

DODGE COUNTY EXECUTIVE COMMITTEE

December 5, 2016, 8:30 A.M.

FIRST FLOOR – ROOMS H & I AUDITORIUM

DODGE COUNTY ADMINISTRATION BUILDING, JUNEAU, WI 53039

The meeting was called to order at 8:30 a.m. by Dodge County Executive Committee Chairman, Russell Kottke.

Members present: Berres, Frohling, Kottke, Maly, Marsik, Miller, and Schmidt.

Member(s) absent: None.

Others present: County Administrator Jim Mielke; Emergency Management Director Amy Nehls; Corporation Counsel John Corey; Assistant Corporation Counsel Kathilynne Grotelueschen; Legal Secretary Rachel Davison; Land Resources and Parks Director Joyce Fiacco; Manager of Planning and Economic Development Dean Perlick; Chief Deputy Sheriff Scott Smith; Clearview Administrator Jane Hooper; Information Technology Director Ruth Otto; and WBEV Radio Station Reporter John Muir.

Motion by Miller, seconded by Schmidt to approve the Agenda and allow the Chairperson to go out of order as needed to efficiently conduct the meeting. Motion carried.

Motion by Berres, seconded by Maly to approve the November 7, 2016, minutes as presented. Motion carried.

Clearview Administrator Jane Hooper appeared before the Committee and provided a brief, oral report about her attendance at the Leading Age Conference and Expo in Indianapolis, Indiana, from October 30, 2016 — November 2, 2016. Ms. Hooper reported that she gained a great deal of information at the Conference and that she attended presentations there about the following topics: Alzheimer's disease; processes regarding medical marijuana; and information and trends pertaining to the Baby Boomer generation.

Motion by Berres, seconded by Marsik to authorize out-of-state travel for Network Administrator Josh Kohlhoff, to attend the Microsoft Tech Summit conference in Chicago, Illinois, from January 19—20, 2017. IT Director Ruth Otto informed the Committee that this conference will present opportunities for individuals to receive training on existing software and products, to meet with engineers, and to experience new innovations that may eventually be released. Ms. Otto further informed the Committee that this conference will be provided at no cost to public sector customers, and that the only costs associated with Mr. Kohloff's attendance at this conference are lodging for one night and travel, and that funds for payment of these costs have been budgeted in the 2017 IT Department budget. Motion carried.

Motion by Miller, seconded by Frohling to authorize out-of-state travel for Lieutenant James Ketchem, Sheriff's Office, to attend the Crash SWAT Command Training in Cottage Grove, Minnesota, from February 6—10, 2017. Motion carried.

Motion by Maly, seconded by Miller to authorize out-of-state travel for Sergeant Dennis Walston, Crash Investigation Team, Sheriff's Office, to attend the Train the Trainer Summit in Houston, Texas, from March 6—8, 2017. Motion carried.

Administrator Jim Mielke provided a brief oral update to the Committee regarding County projects. Mr. Mielke reported that there have been regular weekly phone conference meetings regarding the

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secured electronics project in the Jail. Chief Deputy Sheriff Scott Smith reported that the contractors are currently working in a housing pod in the Jail, the contractors are ahead of their work schedules, and it is anticipated that the entire secured electronics project, including all work and testing in the Jail and all work and testing in the Justice Facility, will be completed by either near the end of March of 2017, or near the end of April of 2017. Scott Smith further reported that a resolution for carryover of departmental funds for the secured electronics project, from budget year 2016 to budget year 2017, will be an agenda item for the February, 2017, meeting of the County Board.

The Committee considered and discussed the Claim for Damages submitted by Alcus Thompson, wherein Alcus Thompson alleged that a vehicle he operated sustained pavement striping paint damage on September 29, 2016. Motion by Maly, seconded by Frohling to recommend to the County Board that it disallow the Claims for Damages submitted by Alcus Thompson. Motion carried.

The Committee considered and discussed the Claim for Damages submitted by Maxine E. Paxson, wherein Maxine E. Paxson alleged that a motor home which William Paxson operated sustained damage on August 1, 2016. Motion by Maly, seconded by Marsik to recommend to the County Board that it disallow the Claim for Damages submitted by Maxine E. Paxson. Motion carried. Supervisor Berres abstained.

The Committee discussed whether or not a policy or procedure should be developed and implemented for the Highway Department to take photographs of signs and sign locations placed during road construction projects, and to use the photographs defensively against claims for damages. Mr. Mielke stated that these matters will be agenda items for future meetings of the Highway Committee.

Emergency Management Director Amy Nehls provided an oral report to the Committee regarding a Pre-Disaster Mitigation (PDM) Grant application for the Hazard Mitigation Plan. Ms. Nehls reported that the Pre-Disaster Mitigation (PDM) Grant Program provides resources to assist states, tribal governments, territories, and local communities to reduce overall risk to the population and structures from future hazard events, while also reducing the reliance on federal funding from future disasters. Ms. Nehls further reported that the grant will be used to update Dodge County's mitigation plan, and is not currently in the 2017 budget of the Emergency Management Department because this grant will not become available until 2017. Ms. Nehls also provided an oral report to the Committee regarding an application for a 2016 Homeland Security Grant for Active Shooter Preparedness and Response. Ms. Nehls further reported that Grant for Active Shooter Preparedness and Response will be used with the safety training plan, specifically, for planning and execution of a table top and functional training exercise for employees in the Justice Facility, which is currently scheduled to take place on Monday, January 16, 2017.

Corporation Counsel John Corey introduced Assistant Corporation Counsel Kathilynne Grotelueschen to the Committee. Mr. Corey gave an oral update to the Committee regarding the status of his review of contracts for various departments. Mr. Corey reported that: 1) he is in the process of reviewing the contract by and between the Dodge County Sheriff's Office and the Dodge County Emergency Response Team (DCERT), 2) DCERT arranges for volunteers to provide

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emergency response services to the Sheriff's Office, such as helping to direct vehicular traffic at the scene of traffic accidents, and provides non-emergency services to local municipalities, including preserving good order during community celebrations, picnics, and parades, 3) he is waiting for a response from MSA Professional Services, Inc. (MSA), of Beaver Dam, Wisconsin, regarding submitted changes to a proposed Professional Services Agreement, by and between MSA and the Land Resources and Parks Department, for the provision of professional services to the Land Resources and Parks Department in connection with a Community Development Block Grant program for improvements to housing units, 4) Kathilynne Grotelueschen is working on the development of an agreement by and between Dodge County and Glacial Heritage Development Partnership for the provision of economic development activities to take place in Dodge County, 5) he is in the process of reviewing an annual elevator maintenance agreement by and between Otis Elevator and the Maintenance Department that is site specific, 6) he has completed review of a contract by and between the Human Services and Health Department and a hospital or hospitals, for the provision of mental health detention services and other related services, 7) he has completed review of a contract with Mass Brothers Construction Company, Inc., for the Detention Facility pipe replacement project, which contract was signed on November 16, 2016, and it is anticipated that work on the pipe replacement project will commence on January 23, 2017, and, 8) he is in the process of reviewing a contract with Johnson Controls, Inc., for the purchase of additional computer software in connection with the automated control of HVAC in County buildings.

Mr. Corey gave an oral report to the Committee regarding his retirement from the position of Corporation Counsel for Dodge County, and he stated that his last day of work for Dodge County will be December 30, 2016. Mr. Mielke informed the Committee that the tentative recruitment timeline is for the first round of interviews before the interview committee to take place during the week of January 16, 2017, and the second round of interviews before the interview committee, and various meet and greet meetings with the applicants, to take place during the week of January 23, 2017. A member of the Committee asked what mechanisms are in place to help bring the new Corporation Counsel up to speed regarding ongoing legal matters in the Office of Corporation Counsel. Mr. Corey indicated that he will enter memos into open files regarding the status of the open files, and any other relevant information that may be needed. Mr. Mielke stated that other staff members in the Corporation Counsel office will be available to provide any needed information to the new Corporation Counsel.

Mr. Corey gave an oral report to the Committee regarding the matter of the supervision of the Corporation Counsel position. Mr. Corey reported that, currently, the County Administrator supervises all department heads, except Corporation Counsel, who is supervised by the Chairman of the County Board, and the Executive Committee acts as an advisory and policy-making body for the Office of Corporation Counsel. Mr. Corey further reported that the issue of the supervision of the Corporation Counsel arose in Barron County, Wisconsin, and that through his conversations with Barron County Corporation Counsel, he received information that Barron County received an informal opinion from the Attorney General, wherein the Attorney General stated that §59.42(1)(b) and §59.42(1) of the *Wisconsin Statutes*, expressly grant supervision of the Corporation Counsel to the County Administrator. After discussion, it was the consensus of the Committee to place the matters of the appointment and supervision of the Corporation Counsel position on the agenda for the January, 2017, meeting of the Executive Committee.

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Mr. Mielke reviewed agenda items for the Tuesday, December 20, 2016, County Board meeting. Mr. Mielke reported that the agenda originally indicated that there would be four resolutions from the Highway Department, but that has been changed to two resolutions, because two resolutions are for the single purchase of equipment for less than \$50,000, which do not require County Board approval, but only approval of the Highway Committee. Therefore, those two resolutions for the single purchase of equipment for less than \$50,000, will not be brought before the County Board for consideration and action.

Mr. Corey gave an oral report to the Committee regarding proposed changes to county meeting agendas and proper notice of committee meetings. Mr. Corey reported that an issue of sufficient notice that is required when a quorum or a negative quorum of one committee attends a meeting of another committee, arose from the results of an investigation that was made by the Wisconsin Department of Justice, after a complaint was made regarding meeting notices that were issued by committees of the Winnebago County Board of Supervisors. Mr. Corey further reported that after the Wisconsin Department of Justice had completed its investigation of the complaint, Paul M. Ferguson, Assistant Attorney General, Office of Open Government, addressed a letter to the Deputy District Attorney and the Corporation Counsel of Winnebago County, wherein Assistant Attorney General Ferguson stated that a Badke notice is not sufficient as proper notice when a quorum or a negative quorum of one committee attends a meeting of another committee and that the proper way to notice a meeting when a quorum or a negative quorum of one committee attends a meeting of another committee, is to notice the meeting as a joint meeting of the two committees. The Committee discussed how this change will affect meeting notices in the future, and that any changes to County Board Rules arising from the requirement to notice meetings as joint meetings of committees, will be reviewed by the County Board at its meeting to be held in April of 2017.

Mr. Mielke and Assistant Corporation Counsel Kathilynne Grotelueschen provided an oral update to the Committee regarding the proposed Economic Development Partnership Initiative with Jefferson County. Mr. Mielke provided to the Committee a working DRAFT document dated November 30, 2016, at 4:30 P.M. The Committee discussed the changes within the document, specifically, that the Jefferson County Economic Development Consortium staff will be considered independent contractors, while performing work under the Economic Development Partnership Initiative, because they are Jefferson County employees. The Committee discussed other aspects of the DRAFT document, including the requirements set forth therein of the provision of various annual oral and written reports, as well as action plans containing goals and objectives to be presented to Dodge County, and the appropriate time frame for the presentation of annual oral and written reports and action plans. A member of the Committee inquired about the types of in kind donations Dodge County will make. Mr. Mielke informed the Committee that the only in kind donation Dodge County will make will be the provision of office space within the Administration Building. A member of the Committee inquired about the definition of "aggregate data." Mr. Mielke and Ms. Grotelueschen informed the Committee that "aggregate data" will include updates of the status of the work being done by the Consortium, and a more general overview of agreements or plans, so that any specific agreements or pending plans are not prematurely released. The Committee discussed the next action to be taken in connection with the proposed Economic Development Partnership Initiative with Jefferson County. It was the consensus of the Committee to include the DRAFT document, with an attached memo explaining the contents of the DRAFT document, and with instructions to refer any questions regarding the DRAFT document to either the

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Executive Committee or to the Corporation Counsel Office, with the County Board Supervisor packet for the December 20, 2016, meeting of the Dodge County Board of Supervisors, as materials to review and discuss, and, then, to include in the agenda for the January, 2017, meeting of the Executive Committee, the DRAFT document for the Executive Committee to consider, discuss, and decide on the action to be taken regarding the DRAFT document, prior to the February, 2017, meeting of the Dodge County Board of Supervisors.

Chairman Kottke gave an oral report to the Committee regarding the Proposed UW – Extension Reorganizational Plan. Chairman Kottke reported that the current Reorganizational Plan is being reviewed by a major committee and will then be reviewed at a meeting of an integrated work group. Chairman Kottke further reported that he expects to have an update on the next phase of the process sometime in February or March of 2017. Chairman Kottke further reported that he attended a meeting on the University of Wisconsin Madison campus with campus partners, regional directors, and other attendees, to discuss the UW – Extension Reorganizational Plan and that the anticipated roll-out date for the new plan is July 1, 2017.

Chairman Kottke reported that a County Board Supervisor had requested that all major purchases brought before the County Board for approval, be delayed until a subsequent meeting of the County Board for more time for the County Board to decide on the purchase requests. The Committee discussed options for County Board Supervisors to become informed, as early as possible, prior to a meeting of the County Board, of the County Board meeting packet, such as to receive and review an electronic version of the meeting packet by e-mail and online on the Dodge County website, the same day that the packets are sent out to the County Board Supervisors by the Office of the County Clerk. The Committee also discussed options available to County Board Supervisors to amend, question, or delay action on any item, topic, or question brought before the County Board, by an appropriate motion made by a County Board Supervisor, such as a motion to lay on the table, a motion to postpone to a certain time, a motion to refer to a standing committee, a motion to refer to a special committee, or a motion to amend the main motion.

Meeting adjourned at 9:57 a.m. by the order of the Chairman.

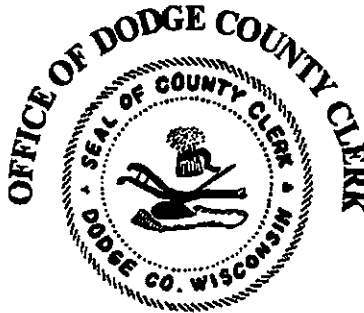
The next regular meeting is scheduled for **Tuesday, January 3, 2017, at 8:30 a.m.**

Jeff Berres, Secretary

Disclaimer: The above minutes may be approved, amended or corrected at the next committee meeting.

KAREN J. GIBSON
Dodge County Clerk
kgibson@co.dodge.wi.us

Administration Building
127 East Oak Street, Juneau WI 53039
920-386-3605 / Fax: 920-386-4292



SHELBY J. MILLER
Chief Deputy
smiller@co.dodge.wi.us

CHRISTINE M. KJORNES
Deputy
ckjornes@co.dodge.wi.us

MEMO TO: Executive Committee

FROM: Karen J. Gibson, County Clerk *kg*

RE: Presidential Recount

DATE: December 20, 2016

Enclosed you will find a copy of Dodge County's Reimbursement Request form that I submitted to the Wisconsin Elections Commission on December 19, 2016 regarding the recount for the 2016 U.S. Presidential race. The following is an explanation regarding County personnel costs.

The County Labor/Personnel Costs totaling \$16,467.81 consist of two types of personnel:

1. County Personnel Costs of \$7,727.81 for Dodge County employees involved in the recount.
 - a. John Corey
 - b. Makenzie Drays
 - c. Sarah Eske
 - d. Karen Gibson
 - e. Kathilynn Grotelueschen
 - f. Jim Hill
 - g. Joyce Holden
 - h. Christine Kjornes
 - i. Julie Kolp
 - j. Carrie Lagerman
 - k. Eileen Lifke
 - l. James Mielke
 - m. Shelby Miller
 - n. Mary Muskovitz
2. Tabulators and Canvass Board Member Costs of \$8,740.00 for citizens who helped with the counting of ballots.

Wisconsin Elections Commission																						
2016 Presidential Recount																						
County Reimbursement Request																						
1 Wisconsin County: Dodge																						
2 Clerk: Karen J. Gibson																						
3 Due to WEC on December 30, 2016																						
A												B	C									
LABOR												Other Allowable Expenses:		SubTotals								
Personnel Costs												Space Rental	Transportation Fees	Equipment Rental Fees	Allowable Mileage	Supplies	IT Related Expenses	Meals	Other Allowable Expense	Other Allowable Expense Description	Sum all Columns to left	
4 Costs by Municipality:																						
Town of Chester															39.10						39.10	
Town of Emmet												20.00			19.44						39.44	
Town of Portland															27.74						27.74	
Town of Trenton															16.20						16.20	
Town of Westford															18.00						18.00	
Village of Brownsville												16.50									16.50	
Village of Neosho												42.66			30.24						72.90	
Village of Randolph												25.98			108.00						133.98	
Village of Theresa												109.86			19.55	12.50					141.91	
City of Fox Lake												139.32			41.04						180.36	
City of Mayville															14.04						14.04	
Municipality Costs												354.32			333.35	12.50					700.17	
County Costs: (separate and in addition to Municipality costs)												16467.81			1621.62	55.53		240.16	1876.25	Cost to mail checks to tabulators (\$34.31) + 10% of modified total direct costs	20261.37	
6 Totals by County:												\$16,822.13			\$1,954.97	\$68.03		\$240.16	\$1,876.25		\$20,961.54	20,961.54
I declare I have examined this statement and the underlying documentation, and to the best of my knowledge and belief, they are true, correct and accurately list all amounts and sources.																						
7 County Clerk Name: Karen J. Gibson, Dodge County Clerk																						
Submit completed form to:												Gamze.Ugler@wisconsin.gov										
												recounts@wisconsin.gov										

LEGISLATIVE EXCHANGE 2017

COME. CONNECT. LISTEN. LEARN.

REGISTER TODAY!

TENTATIVE AGENDA

DAY 1

Thursday • Feb 7, 2017

8:30 a.m.
Registration & Continental Breakfast

9:00 a.m.
Opening Remarks
Mark D. O'Connell, Executive Director, Wisconsin Counties Association

9:05 a.m.
Legislative Leadership Roundtable
Robin Vos, Speaker, Wisconsin State Assembly (Invited); Peter Barco, Minority Leader, Wisconsin State Assembly; Scott Fitzgerald, Majority Leader, Wisconsin State Senate; Jennifer Shilling, Minority Leader, Wisconsin State Senate (Invited)

10:00 a.m.
Break

10:15 a.m.
Next Generation Update
Gary Becker, Executive Director, Local Government Institute of Wisconsin; Rebecca Ryan, Founder, NEXT Generation Consulting, Inc.

10:45 a.m.
"Just Fix It" Wisconsin
Craig Thompson, Executive Director, Transportation Development Association of Wisconsin

11:15 a.m.
UW-Extension
Cathy Sandeen, Chancellor, University of Wisconsin Colleges and UW-Extension

11:30 a.m.
Competitive Wisconsin - Be Bold Strategy
Jim Wood, Chairman, Wood Communications Group; Strategic Counsel, Competitive Wisconsin, Inc.

12:00 p.m.
Lunch

12:45 p.m.
The 2017-2018 Legislative Session
Government Affairs Team, Wisconsin Counties Association

1:45 p.m.
Break

2:00 p.m.
State Finance Update
Waylon Hurlburt, State Budget Director, Wisconsin Department of Administration

2:45 p.m.
WCA Board of Directors Report
Gregg Moore, Chair, Wisconsin Counties Association Board of Directors

2:55 p.m.
Sir Winston Churchill
Randy Otto, Impersonator

5:00 - 7:00 p.m.
WCA County Reception

DAY 2

Wednesday • Feb 8, 2017

7:30 a.m.
Hot Breakfast

8:30 a.m.
Call to Order and Welcome
Mark D. O'Connell, Executive Director, Wisconsin Counties Association

8:35 a.m.
State Economy Update
Dennis Winters, Chief Economist, Office of Economic Advisors, Department of Workforce Development, State of Wisconsin

9:30 a.m.
Gubernatorial Remarks
Scott Walker, Governor, State of Wisconsin (Invited)

9:45 a.m.
Break

10:00 a.m.
State of Wisconsin Politics
Brian Fraley, President, Edge Messaging, LLC; John Nichols, Associate Editor, The Cap Times; Jeff Meyers, President, WisPolitics.com

11:00 a.m.
Executive Director's Remarks
Mark D. O'Connell, Executive Director, Wisconsin Counties Association

11:45 a.m.
Adjourn

LEGISLATIVE VISITS

We encourage you to visit your legislators while you are in Madison. Please schedule meetings for Wednesday, February 8 after the Legislative Exchange adjourns. If you need help scheduling those meetings, contact WCA Government Affairs Assistant Chelsea Fibert at fibert@wicounties.org or 608.663.7188.

REGISTER TODAY!

Fill out the enclosed registration form or register online at www.wicounties.org. Questions? 1.866.404.2700.



WCA Government Affairs Team

Top left: Executive Director Mark D. O'Connell. Top right: Director of Government Affairs Kyle Christianson. Middle left: Deputy Director of Government Affairs Sarah Dierckx-Kasdorf. Middle right: Government Affairs Associate Dan Bahr. Bottom left: Government Affairs Associate Mercie Reinbolt. Bottom right: Government Affairs Assistant Chelsea Fibert.

LOGISTICS & INFO

Attire

The attire is business casual. Please remember that meeting room temperatures do not feel the same for everyone. You may want to bring a light sweater/blazer should meeting room temperatures be too cool for you.

Overnight Accommodations

Contact Madison Concourse Hotel Reservations at 1.800.356.8293 and ask for the Wisconsin Counties Legislative Exchange 2017 group rate. Room block deadline is January 15, 2017. Room rates are as follows: Concourse Premier - single/double \$119; Governor's Club rooms - single \$148/double \$158.

Registration Fees

Member County Rate - \$150.00 before January 20, 2017; \$160.00 on-site. State Official/Employee or Private Sector - \$225.00 before January 20, 2017; \$240.00 on-site. No charge for the reception. Registration deadline is Friday, January 20, 2017. Fee includes meeting materials, Tuesday's continental breakfast and luncheon, and Wednesday's hot breakfast.

Individual Meal Tickets

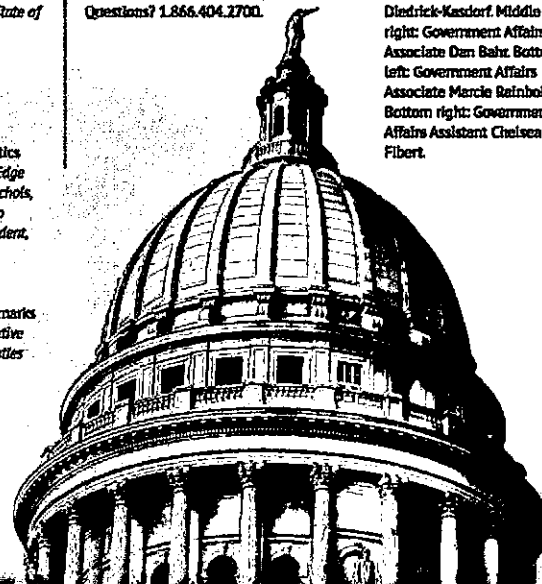
If a spouse or guest would like to join you for lunch/breakfast, meal tickets may be purchased at the following rates: Lunch on Tuesday, February 7, 2017 - \$16.00; Breakfast on Wednesday, February 8, 2017 - \$16.00. Please pre-register for additional meal tickets as space is limited.

Reception

The WCA County Reception is being held Tuesday, February 7, 2017 from 5:00 p.m. - 7:00 p.m. at the Madison Concourse Hotel. This is an excellent opportunity to mingle with your fellow county officials, as well as the members of the Wisconsin State Senate and Assembly in an informal setting. Please RSVP by January 20, 2017 on the enclosed registration form or online at www.wicounties.org.

2017 CONFERENCE HOUSING

WCA has room blocks at two locations in Wisconsin Dells, Wisconsin. There will be a complete listing of the hotels in your Legislative Exchange registration packet or check out the WCA website at www.wicounties.org. When the hotel room blocks open on May 1, 2017, all counties are responsible for booking their own hotel rooms at the WCA selected hotels. Rooms are booked on a first-come, first-served basis, and you must have a different name per reservation to book rooms. Do not forget to mention the 2017 WCA Annual Conference to get the appropriate rate!



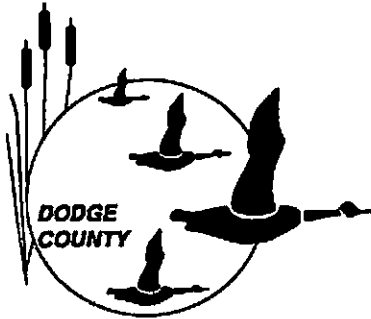
Questions? Call 1.866.404.2700

REGISTER TODAY! Online @ www.wicounties.org



MARK YOUR CALENDARS!

2017 WCA Annual Conference
September 24-26, 2017
Sauk County
Wisconsin Dells, Wisconsin



ADMINISTRATION DEPARTMENT

JAMES MIELKE, COUNTY ADMINISTRATOR

127 East Oak Street, Juneau, Wisconsin, 53039 (920) 386-4251

To: Dodge County Executive Committee
From: Jim Mielke
Date: December 20, 2016

Re: Maas Brothers Construction Incorporated Request for Allocation of 179 D Energy Efficient Commercial Building Deduction – Henry Dodge Renovation Project

Background: IRS Tax Code 179D provides “for profit” entities to file for a tax credit regarding energy efficient design / engineering of commercial buildings. Maas Brothers has enlisted the services of their business accounting firm (Wipfli – pronounced WIP-file) and the consulting firm of Walker Reid Strategies to assist in determining whether the renovation of the Henry Dodge Office Building would qualify Maas Brothers Construction Incorporated for the tax deduction.

The Henry Dodge Office Building was officially placed into service in November 2013. In conversation with Anthony Maas he indicated there is a three year look back provision which would enable the tax deduction to be available through the filing of a 2016 tax return. Anthony stated Maas Brothers recently became aware of the potential deduction through Wipfli.

As you may recall, Bray Associates Architects was selected by Dodge County as the lead designer of the Henry Dodge Renovation Project. Maas Brothers performed as Construction Manager and also self-performed various phases of the renovation project. I spoke with Matt Wolfert, Principal in Charge from Bray Associates regarding the 179D allocation. Mr. Wolfert informed me that Bray Associates has utilized the 179D Allocation on other projects, however they are not seeking a 179D allocation for the Henry Dodge Project. The decision is based on the overall size of the renovation project.

The allocation request from Maas Brothers and support documents have been reviewed by John Corey; Kathilynne Grotelueschen. In addition, Dodge County initiated contact with representatives of Baker Tilly and Johnson Block for additional information. In conversation with Baker Tilly representatives, Dodge County learned that typically the request for the 179D tax deduction allocation is negotiated /completed at the front end of a project. According to Baker Tilly, the 179D Code was implemented in 2005 as an incentive for governments to design / construct energy efficient buildings. According to Baker Tilly, IRS Code 179D is currently scheduled to expire at the end of 2016 and that Federal legislation is pending to extend the tax deduction.

Next Steps:

Anthony Maas and Eric Graf of Maas Brothers will attend the January 3rd meeting of the Executive Committee. Representatives of accounting firm Wipfli will also be in attendance. A representative of Walker Reid Strategies will appear by phone.

If the allocation authorization is approved by Dodge County, a representative from Walker Reid Strategies would view / inspect the Henry Dodge Office Building.

Supporting Documents:

Allocation of 179 Energy Efficient Commercial Building

Narrative, Henry Dodge Building – Maas Brothers Request for Part 179 D Tax Deduction Allocation

Walker Reid Strategies Fact Sheet – About 179D

Walker Reid Strategies Letter Dated January 9, 2015 Regarding “basis” requirements

Email – December 7, 2017 Kevin Krynski – Johnson Block

Proposed Resolution Authorizing the Allocation of 179 D Tax Deduction to Maas Brothers Construction

Allocation of \$179 Energy Efficient Commercial Building Deduction

(1) Authorized Governmental Representative Information:

Name/Title: Mr. James Mielke/Dodge County Administrator

Address: 127 E. Oak Street

Juneau, WI 53039

Telephone: 920-386-4251

(2) Designer Information:

Name/Title: Anthony Maas/Secretary-Treasurer

Address: 410 Water Tower Court

Watertown, WI 53094

Telephone: 920-261-1682

(3) Address of Government-Owned Building

Address: 199 Home Road

Juneau, WI 53039


(4) Square Footage of Qualifying Property: 151,600 SF

(5) Cost of Qualifying Energy-Efficient Property: \$4,640,000

(6) Date the Property is Placed in Service: 11/29/13

(7) Amount of Deduction Allocated to the Designer: 100%

(8) Signature of Designer

 _____

11/30/16
Date

(9) Declaration by the authorized representative of the owner of the government-owned building.

Under penalties of perjury, I declare that I have examined this allocation, including accompanying documents, and to the best of my knowledge and belief, the facts presented in support of this allocation are true, correct, and complete.

Date

Henry Dodge Building – Maas Brothers Request for Part 179D Tax Deduction Allocation

Introduction

Rather than tax code, 179D is part of The Energy Policy Act of 2005 which creates financial incentive to invest in energy-efficient building systems. In practice, the advantages of the tax deduction are often available to whichever project entity that meets the Act's qualifications and acts to obtain them.

How does Maas meet the definition of a designer?

A designer may include an architect, engineer, contractor, environmental consultant or energy services provider. An entity that merely installs, repairs, or maintain the property is not a designer. By providing Construction Manager services that included value engineering (alterations in design) items as well as third party design review of the project's Electrical and HVAC systems, Maas Brothers meets the definition of designer under 179D.

What support can Maas provide that it can claim 100% of the allocation?

179D allocations are based on three design criteria, HVAC, lighting, and building envelop. If each of those components was included as part of the qualifying project, the entity receiving the allocation may be allocated 100% of the deduction, regardless of whether they had direct influence on each component.

On what basis did Walker Reid come to conclusion that the building qualifies?

The improvements made to the Dodge County have clearly exceeded the requirements set forth by the IRS and Department of Energy. After its in-depth review Walker Reid determined the lighting improvements are 41% more efficient than the baseline requirements, the HVAC systems are 20% more efficient and the envelope improvements appear to be approximately 10-15% more efficient. The combination should yield a result once modeled that is well above the IRS required 50% reduction against the ASHRAE baseline.

Additional Information

Walker Reid says they have substituted the following language in other allocation letters to soften them a bit in terms of what owners feel their liability might be. Let us know if you'd like to revise our letter to reflect this.

Under penalties of perjury, I declare that I have examined this allocation listed in the above block labeled "Amount of 179D deduction allocated to Contractor/Designer (Percentage)", including accompanying documents, and to the best of my knowledge and belief, the facts presented in support of this allocation are true, correct, and complete. The authorized owner representative is not responsible for the verification of the energy efficient commercial building property. The designer/contractor receiving the allocation is solely responsible for obtaining the required certification, onsite verification, and ensuring their accuracy.



About 179D

You are here: Home / About 179D



About Section 179D Tax Deduction

Section 179D of the Internal Revenue Code (IRC) is an engineered based tax incentive available for the reduction of energy and power costs in commercial buildings. The tax provision was initially enacted under the **2005 Energy Policy Act (EPACT)** and allows for a tax deduction of up to \$1.80 per square foot. The 179D Tax Deduction specifically applies to those commercial buildings that notably reduce their interior lighting energy costs, as well as heating, cooling, and building envelope. Buildings can partially qualify for \$0.60 for HVAC, \$0.60 for building envelope, and \$0.60 for Lighting systems.

Qualifying Requirements

Section 179D requires for the taxpayers building to meet or exceed a 50% savings in energy and power costs when compared to a theoretical **ASHRAE 90.1-2001** baseline building. If the target of 50% savings

is met, the building will qualify for \$1.80/SF (capped at the costs of the capitalized improvements).

For buildings which do not meet the 50% savings, the tax provision also allows for partially qualifying systems.

1. \$0.60/SF for HVAC systems meeting 15% savings
2. \$0.60/SF for Lighting systems meeting 25% savings
3. \$0.60/SF for Building Envelope systems meeting 10% savings

Additionally, the Interim Lighting Rule allows for lighting systems to qualify for 30¢-60¢per square foot for a 25%-40% savings in Lighting Power Density (LPD) compared to ASHRAE 90.1-2001 LPD standards.

Certification Requirements

- The energy and power costs savings calculations must be performed with a Dept. of Energy approved software.
- Field inspections must be performed after the energy efficient property has been placed into service in accordance with NREL Guidelines
- Certifications and inspections must be completed by a qualified Engineer or Contractor in the Jurisdiction of the qualifying building.

- The taxpayer shall maintain the certification in their records to establish the entitlement to, and amount of, the deduction claimed.

Government Owned Buildings

Governments are non-taxable entities and are unable to benefit from the section 179D tax incentive. Because of this, the IRS established guidance in 2008 allowing governments to allocate the deduction to the parties involved in the design of the energy efficient systems. In addition to the certification, the taxpayers receiving an allocated deduction must retain an "Allocation Letter" in their records.

Allocation Letter

On April 7, 2008 the IRS published **Notice 2008-40** providing guidance for the Allocation of the deduction to designers/contractors. The primary points addressed in the allocation are:

- Verifying the parties involvement in the project
- Cost of property installed
- The year the property was placed into service
- The amount of the 179D deduction being allocated

Click [here](#) to see the full IRS Publication

What Buildings Qualify?

- Commercial Buildings of any type
- Residential Buildings of 4 Stories or more
- Government owned buildings
- Parking Garages

Who can benefit?

- For-profit owners of commercial buildings
- For-profit owners of Apartment Buildings (4 or more stories)
- Designers/Contractors of Government Buildings
 - Architects
 - Engineers
 - ESCO's
 - Contractors
 - Consultants

Time Frame

For Commercial Building Owners, the section 179D deduction may be claimed for new construction or improvements placed into service between January 1, 2006, and December 31, 2016. Form 3115, Change in Accounting Method, may be used to retroactively take

the deduction in current year tax filings and avoid amending previous year returns.

The designers/contractors of government owned buildings are able to take the 179D deduction for all "open tax years" (generally 3 years from date of filing). For property placed into service in previous years, the taxpayers are required to amend their returns.

Additional 179D Resources

1. **Energy Policy Act of 2005:**
Original bill enacting Section 179D
2. **Title 26 USCS §179D:** Original Tax Law
3. **2006-26 IRB; Notice 2006-52:**
Initial IRS guidance setting forth the process allowing building owners to take the 179D Deduction; including certification requirements, inspections, and energy modeling guidelines.
4. **2008-14 IRB; Notice 2008-40:**
Allows Government buildings to allocate to designers/contractors, expands on the specific technologies the DOE must approve, adjustments to the partially qualifying percentages (10% for building envelope), also extends 179D to the end of 2008.
5. **2011-04 IRB; Rev. Proc. 2011-14:**
Primarily allows for the use of Form 3115, Change in Accounting Method. Allows taxpayers to take 179D deductions without having

to amend prior year tax returns.
For both private and public
sector buildings.

6. **2012-17 IRB; Notice 2012-26:**
Adjusts the partially qualifying percentages to 15% for HVAC and 25% for Lighting.
7. **2012-41 IRB; Rev. Proc. 2012-39:**
Clarifies
that designers/contractors taking the 179D deduction for Government owned buildings may not use Form 3115, Change in Accounting Method.
8. **Public Law 110-343** : Emergency Economic Stabilization Act of 2008: Extends 179D through the end of 2013.
9. **Memorandum: AM2010-007:**
Addresses the application of the 179D deduction to flow through entities.
10. **Public Law 113-295:** Tax Increase Prevention Act of 2014 ; Extends 179D through the end of 2014.
11. **NREL /TP-550-40467:** Energy Savings Modeling and Inspection Guidelines for Commercial Building Federal Tax Deductions
12. Department of Energy **List of Approved Energy Modeling Software**

13. IRS Form 3115, Change in Accounting Method
14. Public Law 114-113:
Consolidated Appropriations Act,
2016 ; Extends 179D through the
end of 2016 and increases the
ASHRAE 90.1-2001 efficiency
standards to ASHRAE 90.1-2007
for property placed into service
after January 1st, 2016

Would You Benefit From 179D?

January 9, 2015

To whom it may concern:

Regarding the question on 179D and the requirements of a government-owned building, I've been asked to clarify the reduction in basis requirements on the side of the public building owner.


According to Notice 2008-40, Section 3. Special Rule for Government-Owned Buildings:

.07 Tax Consequences to Owner of Public Building. The owner of the public building is not required to include any amount in income on account of the §179D deduction allocated to the designer. The owner of the public building is, however, required to reduce the basis of the energy efficient commercial building property (or partially qualifying commercial building property) by the amount of the §179D deduction allocated.

Since it is not typical for a state agency to file an income tax return or to keep tax depreciation records, most governments will not be at all affected by adjusting tax basis in the property. GAAP books and records are not affected by a tax basis reduction.

I hope this is helpful.

Sincerely,



Cathy A. Harris, CPA
Virginia Board of Accountancy License #21761

Mielke, James

From: Kevin Krynski <KKrynski@johnsonblock.com>
Sent: Wednesday, December 07, 2016 8:04 AM
To: Mielke, James; Jim Block
Cc: Corey, John; Kolp, Julie
Subject: RE: IRS Allocation Section 179D Energy Efficient Building Deduction

Jim,

There is no need for the County to keep track of this on a tax basis. The biggest question we see is would this have affected the contractors pricing had this been discussion taken place at the time of construction. Does the County get any benefit from this?

Kevin Krynski, CPA Partner
Johnson Block and Company, Inc.
406 Science Drive Suite 100
Madison, WI 53711
Phone (608) 274-2002
Fax (608) 274-4320
e-mail kkrynski@johnsonblock.com
www.johnsonblock.com

[Click Here for Secure File Transfer](#)

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From: Mielke, James [mailto:jmielke@co.dodge.wi.us]
Sent: Tuesday, December 06, 2016 5:11 PM
To: Jim Block <JBlock@johnsonblock.com>; Kevin Krynski <KKrynski@johnsonblock.com>
Cc: Corey, John <JCorey@co.dodge.wi.us>; Kolp, Julie <jkolp@co.dodge.wi.us>
Subject: IRS Allocation Section 179D Energy Efficient Building Deduction

Good Afternoon,

Background: Dodge County renovated the former Clearview North Building to house county Human Service Operations. The project was completed in November 2013. The construction manager for the project was Maas Brothers Construction of Watertown. Maas Brothers has learned through their accounting firm (Wifli) that they can receive an IRS deduction under the 179D regulation. Maas Brothers has requested Dodge County assign 100% of the allocation to them. Maas Brother has also engaged the assistance of the Walker Reid Strategies firm to assist in the process.

A question of Corporation Counsel John Corey and I is reference to " the owner of a government building to reduce the basis of the energy efficient commercial building property by the amount of the 179 deduction. It is my understanding

RESOLUTION NO. _____

TO THE HONORABLE BOARD OF SUPERVISORS OF DODGE COUNTY, WISCONSIN MEMBERS,

WHEREAS, Section 179D of the Energy Policy Act of 2005 created the Energy Efficient Commercial Building Tax Deduction (hereinafter, "Section 179D Tax Deduction"), which allows up to \$1.80 per square foot in deductions to owners of energy efficient commercial properties or architects, engineers, and designers of energy efficient government building projects; and,

WHEREAS, on July 26, 2012, Dodge County entered into a contract with Maas Brothers Construction Company, Inc., for the renovation of the former Clearview North Long Term Care Building located at 199 Home Road in the City of Juneau, Wisconsin (hereinafter, the "Contract"); and,

WHEREAS, Maas Brothers Construction Company, Inc., was the Construction Manager under the Contract; and,

WHEREAS, Maas Brothers Construction Company, Inc. has been advised by its accounting firm, WIPFLi, and its consultant, Walker Reid, that it would be eligible for a Section 179D Tax Deduction based upon the work performed for Dodge County under the Contract if Dodge County allocates its deduction to Maas Brothers Construction Company, Inc.; and,

WHEREAS, Maas Brothers Construction Company, Inc. has requested that Dodge County sign the Allocation of §179 Energy Efficient Commercial Building Deduction, attached as "Exhibit A," and allocate 100% of its Section 179D Tax Deduction for work performed under the Contract to Maas Brothers Construction Company, Inc.; and,

WHEREAS, the Dodge County Administrator has consulted with Johnson Block, Dodge County's Accounting Firm, and has been advised that an allocation of Dodge County's Section 179D Tax Deduction for work performed under the Contract will have no financial impact on Dodge County; and,

WHEREAS, the Dodge County Executive Committee has considered Maas Brothers Construction Company, Inc.'s request and has determined that allocating Dodge County's Section 179D Tax Deduction for qualifying work, to qualifying companies, will aid in negotiation of, and provide companies with a greater incentive to submit bids for, future public construction projects in Dodge County; and,

WHEREAS, the Executive Committee recommends that the Dodge County Board of Supervisors:

1. Authorize and direct the Dodge County Administrator to sign the Allocation of §179 Energy Efficient Commercial Building Deduction, attached as "Exhibit A", allocating 100% of Dodge County's Section 179D Tax Deduction for work performed under the Contract to Maas Brothers Construction Company, Inc.

SO, NOW, THEREFORE, BE IT RESOLVED, that the Dodge County Board of Supervisors hereby:

1. Authorizes and directs the Dodge County Administrator to sign the Allocation of §179 Energy Efficient Commercial Building Deduction, attached as "Exhibit A", allocating 100% of Dodge County's Section 179D Tax Deduction for work performed under the Contract to Maas Brothers Construction Company, Inc.

All of which is respectfully submitted this 22nd day of February, 2017.

Dodge County Executive Committee:

Russell Kottke

Dennis Schmidt

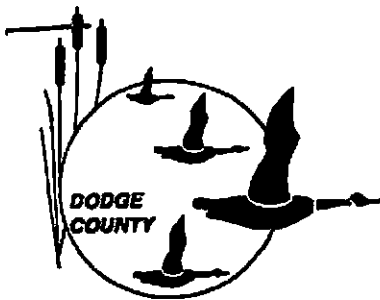
Donna Maly

Joseph M. Marsik

MaryAnn Miller

Jeff Berres

David Frohling



ACCOUNTING DEPARTMENT

ROGER GORST, COUNTY AUDITOR

127 East Oak Street, Juneau, Wisconsin, 53039 (920) 386-3524 Fax (920) 386-3545

MEMORANDUM

DATE: June 13, 2001
TO: Finance Committee Members
From: Roger Gorst
County Auditor

*This is Subject
to WRS*

SUBJECT: Taxing Employee Personal Use of County Assigned Vehicles

Dodge County is assigning county owned vehicles to employees and allowing them to use them for personal use, mainly in commuting from headquarters to home and return, as well as, for county business use. Internal Revenue Service Code deems personal use of vehicles as taxable fringe benefit. They apply the general valuation rule in measuring them, which is its fair-market value. Its definition of fair market value is, "... the amount an employee would have to pay a third party in an arm's-length transaction to buy or lease the benefit."

The IRS has four rule methods to value the benefit, Cents-Per-Mile, Commuting, Lease Value and Unsafe Conditions Commuting. Each has requirements to measure if they apply or not. Here are some of them for the first two, which best apply to county employee situations:

Cents-Per-Mile Rule:

The 2000 maximum automobile value per year is \$15,400.
The vehicle is expected to be used for business regularly, at least 50%, throughout the year.
The vehicle meets the mileage test, driven at least 10,000 miles per year.
Apply this rule on the first day the vehicle is made available to the employee.
Valuation is \$.345/personal mile, business and personal business use logs.

Commuting Rule:

Provide the vehicle for bona fide noncompensatory business reason.
Establish a written policy not to all personal use of vehicle other than for commuting or de minimis personal use.
Employee is not a control employee, i. e., government employee, elected official or an employee earning \$110,700 or greater.
Valuation of benefit is \$1.50 per one-way commute for each employee commuting in the vehicle.

I recommend the county adopting the commuting rule method for the county to value vehicle personal use. It requires recordkeeping by the employee and reporting to the Accounting Dept. for income reporting and deduction. I recommend such reporting to be done annually or upon employee termination. No income tax will be withheld, but social security and Medicare health insurance deductions are required. Employer matching contributions for the latter two taxes are also required. This benefit is not subject to Wisconsin Retirement contributions.

The maximum impact of this benefit valuation to an employee is as follows:

260 working days @ \$3.00 per day	\$780.00
Social Security Deduction @ 6.2%	\$ 48.36
Medicare Health Insurance Deduction @ 1.45%	<u>11.31</u>
	<u>\$ 59.67</u>

Qualified Nonpersonal Use Vehicle:

Clearly marked police cars

Ambulances and hearses

Delivery trucks with only driver seating

School buses

Pickup trucks and vans with gross vehicle weight not exceeding 14,000 lbs.

Jefferson County has also adopted the commuting rule method.

ORDINANCE NO. 570

AN ORDINANCE ESTABLISHING POLICY REGARDING USE OF COUNTY-OWNED MOTOR VEHICLES BY COUNTY EMPLOYEES

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF DODGE DOES ORDAIN AS FOLLOWS:

Section 1. County-owned motor vehicles are defined as any motor vehicle owned or leased by Dodge County for use by its personnel;

Section 2. County-owned motor vehicles shall be used by county employees only for county business purposes; use of county-owned motor vehicles for personal purposes is strictly prohibited, except for commuting between the employee's home and work site, and except for de minimus personal use;

Section 3. Except for county business purposes, persons who are not employees of Dodge County shall not be transported in county-owned vehicles;

Section 4. Any and all use of county-owned vehicles shall be in accordance with all applicable local, state, and federal laws pertaining to use and occupancy of motor vehicles;

Section 5. The Finance Committee of the Dodge County Board of Supervisors shall establish and implement policies and procedures necessary to determine the compensatory value to county employees, of the use for personal purposes, of county-owned motor vehicles; such policies and procedures shall be consistent with laws regarding valuation of fringe benefits set forth in Title 26 USC and regulations promulgated thereunder, as may be amended from time to time;

Section 6. The provisions of Section 2 and Section 3, above, shall not apply to:

A. Those Dodge County employees who operate a clearly marked police vehicle, as defined and to the extent provided in Section 1.274-5T(k)(3), of 26 CFR Ch. 1(4-1-00 Edition); and,

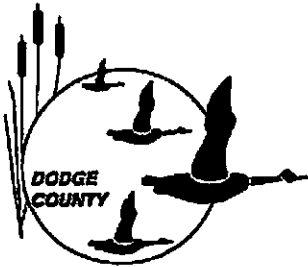
B. Those Dodge County employees who operate an unmarked vehicle used by law enforcement officers, as defined and to the extent provided in Section 1.274-5T(k)(6), of 26 CFR Ch. 1(4-1-00 Edition), if the use is officially authorized.

This ordinance shall be in full force and effect upon enactment and publication as provided by law.

Approved and enacted this 17th day of July, 2001.

Charles E. Swain, Chairman
Dodge County Board of Supervisors
Dorothy E. Ebert
County Clerk

Donald A. Gunderson
Thomas P. Finnel
Robert Krueger
Ernest Borchardt
Glenn Stousland
DODGE COUNTY
FINANCE COMMITTEE



FINANCE DEPARTMENT

Julie Kolp, Finance Director

jkolp@co.dodge.wi.us

127 East Oak Street • Juneau WI • 53039-1329 • (920) 386-3520 • Fax: (920) 386-3545

MEMORANDUM

DATE: January 8, 2015

To: **Brian Field, Highway Commissioner**
Peter Thompson, Assistant Highway Commissioner
Joe Lechner, Superintendent- Patrol.
Randy Franks, Superintendent- Patrol
Steve Pett, Superintendent- Operations

From: Mary Muskovitz, Administrative Assist.

SUBJECT: Personal Use of County Owned Vehicle

Based on the record that you used a county owned vehicle for personal use in year-2014, I am providing this notice to inform you of Dodge County's Policy to comply with Internal Revenue Services regulations pertaining to personal use of a County-owned vehicle. By resolution, the county board adopted the commuting method to value the personal use of a county-owned vehicle. To be able to implement this method, their policy required that no other personal use of the county-owned vehicle is allowed other than commuting between home and work – headquarter. The valuation basis of this income-reporting benefit will be at the Internal Revenue Service's Current rate in effect, which is \$1.50 for each one-way trip. The county will report the accumulated value of this benefit on your last payroll check received in 2015. Reported income is subject to both employer and employee share of social security and Medicare health insurance, but not subject to both federal and state income tax withholding.

For complete accuracy in determining the income valuation of the commuting-benefit I strongly recommend that you maintain a log of personal use commutes between home and headquarters and return. I will request a copy of that log prior to your last payroll check in 2015. Lacking a written record, such as, the commuting log, I will estimate the benefit amount by assuming that the vehicle was driven each work day that you were in attendance and multiplying that number times \$1.50 per each one-way trip.

If in fact you did not use a county-owned vehicle for personal use during year-2015, upon written verification of non-personal vehicle use from you and your department head, I will not implement any estimated valuation procedure.

Five take-home trucks set for official decal

By ED ZAGORSKI
edz@wdtimes.com

JUNEAU — Dodge County logos could be placed on five take-home trucks as early as this week, according to Brian Field, Dodge County highway commissioner.

The placard will go on the front bumper where a license plate would normally go on the trucks, Field said. The trucks only have one plate, which is on the rear bumper. The "D" logo will be installed on the rear bumper. Field said no decals will be placed on the painted surface of the trucks so as not to affect the resale value of them.

Last month, county board supervisor Janice Bobholz questioned why highway department supervisors are allowed to take their vehicles home, especially with gasoline paid for by the county.

The issue was raised again at Thursday's Dodge County Highway Committee meeting where Field agreed to put the decals on the five take-home trucks.

Field said supervisors use the trucks to haul equipment and respond to emergencies if plow drivers or crew members need them. He said the vehicles are county-owned vehicles and can only be used for county use.

He said, although it is not a written policy, it is one policed by his department.

"The employees who use the vehicles know those vehicles are strictly for county use," Field said. "I've been here 11 years and have not heard or received one complaint about the

vehicles. We have very good people and we trust them and it's never been an issue. There are larger problems in county government than putting decals on trucks."

Field said the vehicles are "mobile offices" for his supervisors where they can simply get in a truck and respond to a call rather than driving to Juneau, dropping off a personal vehicle and then getting a truck.

"This is how they do their

job," Field said. "This is not a problem."

Jeff Berres, Dodge County supervisor and highway committee member, said putting decals on the five trucks helps with safety.

"If a county employee is driving up to a rural home the resident knows the individual is in a county-owned truck," Berres said. "Otherwise someone could think a person is trespassing."

Berres also said the decals on the supervisors' vehicles shows the county treats all employees equally.

"We want to be equitable to all employees involved," he said.

Dodge County Administrator James Mielke said he has not been contacted by anyone including residents on the misuse of these vehicles.

"I am not aware of any inappropriate use," Mielke said.



Contributed photo

Truck decals

Dodge County logos could be placed on five take-home trucks as early as this week, according to Brian Field, Dodge County highway commissioner. The placard will go on the front bumper where a license plate would normally appear on the trucks, Field said. The trucks only have one plate, which is on the rear bumper. The "D" logo will be installed on the rear bumper. Field said no decals will be placed on the painted surface of the trucks so as not to affect the resale value of them.

DODGE COUNTY SHERIFF'S OFFICE	
Subject: Department Vehicles	H-L
Policy # 101.21	Replaces Policy #
Effective Date: 05-01-05	Date Goes Out of Effect: NA
References:	Approved by: Sheriff
Revision Dates: 02-17-15	Review Date: 06-11-15

DEPARTMENT VEHICLES

I. PURPOSE

To provide guidelines for the use and maintenance of vehicles owned, leased or rented by the Dodge County Sheriff's Office.

II. POLICY

It shall be the policy of the Dodge County Sheriff's Office to provide its employees the use of safe, well maintained vehicles required for the performance of their duties.

III. DEFINITIONS

Fleet vehicle: A vehicle which is maintained for use by department personnel and is not normally assigned to a specific person. Fleet vehicles include specialty vehicles which are owned or used by the department and are not considered "everyday" patrol vehicles, ATV's, snowmobiles, boats command center, etc.).

One on one squad vehicle: A vehicle which is assigned primarily to one person and that person is responsible for the care and maintenance of the vehicle.

IV. PROCEDURES

A. Fleet Vehicles

1. Administration of Fleet Vehicles

- a. Fleet vehicles are normally kept at the sheriff's department and returned to the sheriff's department after use.
- b. Replacement of fleet vehicles will be done as necessary as determined by the sheriff or his designee.

2. Use of Fleet Vehicles

- a. There will be no use of tobacco products in fleet vehicles.
- b. Any accidents involving fleet vehicles should immediately be reported to dispatch and the shift supervisor. All injury accidents involving fleet vehicles should be reported to the shift supervisor, the sheriff, chief deputy and patrol captain as soon as possible.
- c. With the exception of the sheriff and the chief deputy, sheriff's department vehicles can be used for official sheriff's department business only. No personal use will be allowed unless approved by the sheriff.
- d. Unattended vehicles should be locked at all times.
- e. No one but Dodge County employees may operate county vehicles unless authorized by Dodge County personnel.

- f. Only personnel trained in the use of a particular specialty vehicle should operate that vehicle.
- g. Seatbelts will be used at all times when operating fleet vehicles.

3 Maintenance of Fleet Vehicles

- a. The fleet manager or his designee shall be responsible for the maintenance of fleet vehicles.
- b. Fleet vehicles should be kept clean. If appropriate the vehicle should be washed after use.
- c. Accessories or other non-issued equipment shall not be added without written approval from the sheriff or his designee.
- d. Fuel keys are to remain with the vehicle to which they are assigned.

B. One on One Squad Program

Participation in the One on One Squad Program is voluntary for members of the Patrol, Detective, Civil Process and Transport Divisions. Administration personnel will be issued One on One Squads as designated by the sheriff.

Participation in the One on One Squad Program is a privilege.

The One on One Squad Program has been designed to provide the citizens of Dodge County with a number of benefits. Among them are an increased number of police units available to respond in the event of an emergency. There will be an increased visibility of the Dodge County Sheriff's Department by county's citizens. The program ensures that properly equipped police units are available at any time. Squads parked at deputy's residences will act as a deterrent to unlawful activity in that area. It will increase the department's ability to summon off-duty deputies in the event of an emergency.

1. Administration of the program

- a. The sheriff reserves the right to limit the number or use of vehicles in the One on One Squad Program.
- b. Participation in the program can be revoked by the sheriff or his designee for violating any of the provisions of this policy.
- c. An employee participating in the One on One Squad Program will sign an agreement and accepts all conditions of the program.
- d. Replacement of program vehicles will be done as necessary as determined by the sheriff.
- e. The sheriff reserves the right to temporarily reassign One on One vehicles to fleet car status.
- f. The sheriff reserves the right to modify or cancel the One on One Squad Program or determine where, or to whom, vehicles are assigned.

2. Use of Squads

- a. With the exception of the sheriff and chief deputy, the squad will be used for official sheriff's department business only. No personal use will be allowed unless approved by the sheriff, except as stated in the One on One Squad Program contract.

- b. Officers on vacation, sick leave or light duty for an extended period of time may be required to return their squad to the sheriff's department.
 - c. Unattended squads shall be locked at all times and in a safe and secure location to minimize the potential for damage.
 - d. No one but Dodge County employees may operate county vehicles unless authorized by Dodge County personnel.
 - e. Officers with assigned squads which may be out of service for short periods of time must make alternative arrangements with other officers for use of another squad. Picking up or returning borrowed squads shall be done on the officer's off-duty time.
 - f. When not in service, squads are to be kept within Dodge County except for the following: Within a municipality that is partially in Dodge County or at a location that is within 1 mile of the county line. Example would be within the city limits of Watertown or Waupun.
 - g. Use of tobacco products will not be permitted in any department owned vehicles.
 - h. Any accidents involving department vehicles shall be immediately reported to dispatch and the shift supervisor. All injury accidents involving department vehicles should be reported to the shift supervisor, sheriff, chief deputy and the patrol captain as soon as possible.
- 3. Overtime
 - a. Officers may be called out at their straight time rate one (1) hour prior to and held over one (1) hour after their regularly scheduled shift. Continuation of duty – If an officer, while working regularly scheduled hours, is given an assignment that would require him to work beyond their normal shift hours, they will be eligible for overtime pay.
- 4. Maintenance
 - a. Officers will be responsible for the maintenance and upkeep of their assigned squad.
 - b. Officers shall not perform mechanical work on the squad, altering the body, general design, appearance markings, mechanical or electrical system, making any repairs or having any repairs made to the squad other than by vendors authorized by the sheriff's department.
 - c. The officer will be responsible for the interior and exterior appearance and cleanliness of the squad. The officer will have the vehicle washed periodically or as directed by a supervisor. It will be the officer's responsibility to ensure that the squad has a minimum of one half tank of fuel when the officer is reporting for duty. The vehicle will be fueled only at locations authorized by the sheriff's department.
 - d. Any damage done to the vehicle will be handled in accordance with Dodge County department policies. Damage to the vehicles caused by negligence of the officer may be cause for disciplinary action or revocation of privileges.
 - e. The cost for maintenance and service performed on the vehicle will be paid for by the sheriff's department. Service which will cost in

excess of \$300.00 must be approved, in advance, by a lieutenant or above in rank.

5. Equipment

- a. One on One Squads are required to be properly equipped at all times.
- b. Accessories or other equipment shall not be added without the written approval of the sheriff.
- c. An officer shall not leave a weapon in an unattended car unless it is locked in the glove compartment, trunk or separate locking device which secures the weapon in the vehicle.

CLEARVIEW

POLICY/PROCEDURE REGARDING: Transportation/Employee Use of Vehicles

POLICY: #9052
PROPONENT: Support Services
APPROVED BY: Director of Support Services (Lori Kurutz)
EFFECTIVE DATE: 3/26/14
POLICY SUPERSEDED: 9/26/90

Employees who wish to reserve a County vehicle are to complete Form 4500V2, have it signed by their supervisor, and submit it to the receptionist.

Employees must have a valid driver's license and submit a Vehicle Authorization Form to their supervisor prior to driving a County vehicle or driving their own vehicle on County business.

Without exception, seat belts shall be worn during vehicle operation, when provided, by staff and residents. This applies to person vehicle use as well. Failure to use said restraints may result in disciplinary action. No smoking is allowed in County vehicles.

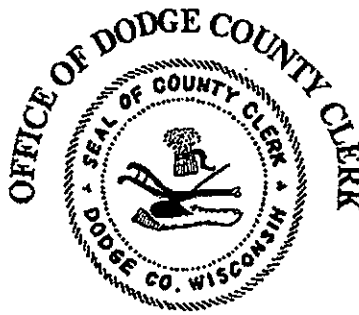
Employees must fill out a Vehicle Condition and pre- and post-trip slip, including the condition of the inside and outside of the vehicle, as well as indicate how much gas is in the vehicle.

If there is any damage to a vehicle, this should be promptly reported to your supervisor, Director of Support Services, and the Environmental Services Director.

Insurance cards for each vehicle will be kept in the glove compartment.

Employees must complete driver's education prior to transporting residents.

KAREN J. GIBSON
Dodge County Clerk
kgibson@co.dodge.wi.us



SHELBY J. MILLER
Chief Deputy
smiller@co.dodge.wi.us

Administration Building
127 East Oak Street, Juneau WI 53039
920-386-3605 / Fax: 920-386-4292

CHRISTINE M. KJORNES
Deputy
ckjornes@co.dodge.wi.us

INCIDENT REPORT

Date: Dec. 14, 2016

CLAIMANT INFORMATION

Claimant First Name:

Carole

Claimant Middle Initial:

A

Claimant Last Name:

Schulte

Address:

425 Tenth St.

City:

Juneau

State:

WI

ZIP Code:

53039

Home Phone:

920-386-2953

Work Phone:

Cell Phone:

608-335-2953

Claimant Signature:

Carole A Schulte

Date:

Dec. 14, 2016

INCIDENT INFORMATION

Date of Incident:

Dec. 11, 2016

Time of Incident:

5:30 P.M.

Location of Incident:

Intersection of St. Hwy 151 and
County Rd DE, Beaver Dam, WI

If Applicable Vehicle Make:

Chevrolet

Vehicle Model:

Impala

Vehicle Year:

2014

Amount of Reimbursement Requested:

Contact Countryside Auto (Tim Riley @ 920-885-6182)

Description of Incident/Loss:

Dodge County Snow Plow backed into
my car while in the intersection
trying to get on DE from 151

RECEIVED
IN THE OFFICE OF

DEC 14 2016

DODGE COUNTY CLERK

WITNESS INFORMATION

Witness First Name:

Nicole

Witness Middle Initial:

S

Witness Last Name:

Vessey

Address:

N7299 Beaver Bay Dr.

City:

Beaver Dam

State:

WI

ZIP Code:

53916

Home Phone:

N/A

Work Phone:

Unk.

Cell Phone:

(920) 382-9931

Please attach Billing Statement or Estimate to this Report.

Return this Form, Billing Statement and/or Estimate to:

Dodge County Clerk
127 East Oak Street
Juneau, WI 53039

SUPERVISOR'S INVESTIGATION REPORT

ACCIDENT/INCIDENT – PROPERTY DAMAGE/LOSS

The unsafe acts of drivers and the unsafe conditions that cause accidents can be corrected only when they are known specifically. It is your responsibility to find them, name them, and to state the remedy for them in this report.

Department: Dodge County Highway Commission Report Date: 12/11/2016
Date of Accident/Incident: 12/11/2016 If applicable: Digger's Hotline contacted: ☐ Yes ☐ No
Time of Accident/Incident: 5:30 ☐ a.m. ☒ p.m. Digger's Hotline #: _____
Location of Accident/Incident: USH 151 & Cth DE Crossover Estimate Repair Cost \$ _____
County Vehicle #/Description: Truck #72 Job No.: _____
Driver Name: Randy Woock Close Date: _____

1st Party Name: Carol Schulte License Plate # 350-GVP
2nd Party Name: _____ License Plate # _____
Sheriff Incident # 16-31521 Police Notified ☒ yes ☐ no

NUMBER OF INJURED PERSONS AND EXTENT OF PROPERTY DAMAGE: **No one injured. There is damage to the front bumper and hood of the Chevy Impala that was driven by Mrs. Schulte. The side paneling on the passanger side had shifted causing the front passanger door to not open. There was also minor damage to the sander on truck #72.**

DESCRIPTION OF ACCIDENT (state in detail what occurred just before and at the time of the accident): **Randy was working in the crossover cleaning it of snow and salting at the same time. Randy had to back up and didn't see any cars behind him and preceded to do so. As he was backing up he heard a horn, stoped, and pulled forward. He then realized he had backed into a car. Both of his wings were up at the time to give himself good visibility.**

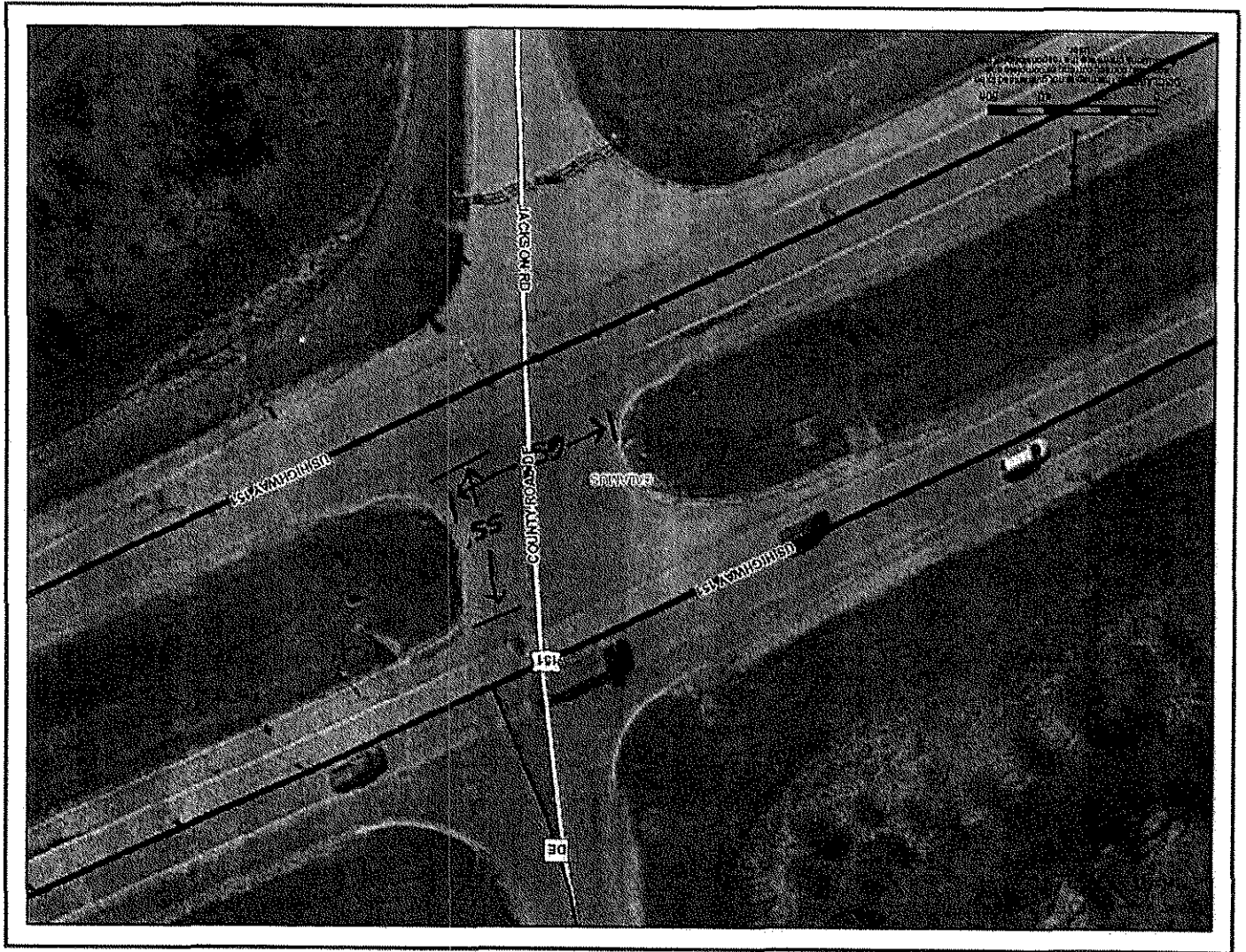
UNSAFE CONDITIONS/ACT (describe unsafe conditions such as faulty brakes, lights, etc. and/or unsafe action of driver contributing to the accident): **Randy checked his mirrors before backing up and didn't see any vehicles behind him. It is important to keep an eye on your surroundings at all times when working in crossovers. Checking your mirrors even while moving forward can help alert you to vehicles in your area.**

REMEDY (as a supervisor, what action have you taken or do you propose taking to prevent a repeat accident): **Be mindful to consistently watch your mirrors when working in a busy area that vehicles can sneak up on you.**

Randy Woock 12-12-16
Employee Signature Date

Nate Munn 12/12/16

[Signature] 12-12-2016



POLICE # 2016-00031521

ACCIDENT #

<input checked="" type="checkbox"/> Reportable Accident		<input type="checkbox"/> On Emergency		<input type="checkbox"/> Amended		DOT Document Number LP0N1M3		Document Override Number	
Agency Accident Number				Police Number 2016-00031521					
4 - Accident Date 12/11/2016		5 - Time of Accident (Military Time) 1809		6 - Total Units 02		7 - Total Injured 00		8 - Total Killed 00	
2 - County DODGE - 14		3 - Municipality CALAMUS - 04, Town				11 - Accident Location Intersection			
14 - On Hwy No. 161		14 - On Street Name EB			14 - Bus/Frnt/Rmp		15 - Est. Distance 0 FT		15 - Hwy. Dir
16 - Frnt/Hwy No. DE		16 - Frnt/At Street Name			16 - Business/Frontage/Ramp				
17 - Structure Type		17 - Structure Number		12 - Latitude			13 - Longitude		
80 - First Harmful Event Motor Vehicle In Transport				93 - Manner of Collision Rear-end					
112 - Access Control No Control		113 - Road Curvature Straight		113 - Road Terrain Level/Flat		Surface Type Blacktop, Bituminous, or Asphalt - 2			
115 - Traffic Way Divided-Highway-Median-Strip-Without-Traffic-Barrier									
117 - Relation To Roadway On-Roadway									
114 - Light Condition Dark-Not-Lighted		118 - Road Surface Condition Snow/Slush			118 - Weather Fog-Smog-Smoke				
<input type="checkbox"/> Hit and Run		<input type="checkbox"/> Government Property		<input type="checkbox"/> Fire		<input type="checkbox"/> Photos Taken		<input type="checkbox"/> Trailer or Towed	
<input checked="" type="checkbox"/> Truck, Bus, or Hazardous Materials		<input type="checkbox"/> Load Spillage		<input type="checkbox"/> Construction Zone		<input type="checkbox"/> Names Exchanged			
101 <input type="checkbox"/> Supplemental Reports		102 <input checked="" type="checkbox"/> Witness Statements		103 <input type="checkbox"/> Measurements Taken		78 - E M S Number			

Unit Status		81 - Most Harmful Event: Collision With Motor Vehicle In Transport		23 - Dir Of Travel SOUTH		24 - Speed Limit 65			
36 - Operating as Classified A CLASS		37 - Endorsements		35 <input checked="" type="checkbox"/> Operating Commercial Motor Vehicle					
28 - Driver's License Number W2007346844308		30 - State WI		31 - Expiration Year 2017		34 - On Duty Accident Winter-Hwy-Maintenance			
25 - Operator/Pedestrian Last Name WOOCK		25 - First Name RANDALL		25 - Middle Initial O		25 - Suffix			
32 - Date Of Birth 12/03/1966		33 - Sex Male							
26 - Address Street & Number N8214 COUNTY ROAD I						26 - PO Box			
27 - City BURNETT		27 - State WI		27 - Zip Code 53922		28 - Telephone Number (920) 210-1622 Ext.			
39 - Seat Position Front-Seat-Left-Side-(MC/Bike Driver, Train Conductor)				40 - Safety Equipment Shoulder-Belt-And-Lap-Belt-Used					
38 - Injury Severity N - No Apparent Injury		41 - Airbag Not applicable		42 - Ejected Not-Ejected		44 <input type="checkbox"/> Medical Transport			
43 - Trapped/Extricated Not-Trapped		82 - Pedestrian Location		82 - Pedestrian Action					
119 - What Driver Was Doing BACKING		120 - Traffic Control No-Control		62 - No. of Citations Issued 0					
64 - 1st Statute No.		64 - 2nd Statute No.		64 - 3rd Statute No.		64 - 4th Statute No.		64 - 5th Statute No.	
122 - Driver Factors Unsafe-Backing									
88 - Driver or Pedestrian Cond Appeared Normal		89 - Substance Presence Neither-Alcohol-Nor-Drugs-Present							
90 - Alcohol Test Test Not Given		90 - Alcohol Content			91 - Drug Test Test Not Given				
91 - Drugs Reported									

124 - Highway Factors
Snow, Ice, or Wet

Vehicle

VEHICLE 01	21 - Unit Type Truck		Vehicle Type Straight-Truck-(Insert Truck)			22 - Total Occupants 1	
	58 - License Plate Number 85947		57 - Plate Type MUN	58 - State WI	59 - Exp Year	55 - Vehicle Identification Number 1M2AX04C2DM018465	
	50 - Year 2013	51 - Make MACK	52 - Model		53 - Body Style CB - CAB CHASSIS	54 - Color ONG	100 - Skidmarks to Impact (Ft)
	94 - Vehicle Damage Front, Front Passenger Side						
	95 - Extent Of Damage None		96 <input type="checkbox"/> Vehicle Towed Due To Damage		97 - Vehicle Removed By OPERATOR		
123 - Vehicle Factors Not-Applicable							

Vehicle Owner

VEH OWNER 01	45 <input type="checkbox"/> Vehicle Owner Same As Operator						
	46 - Vehicle Owner Last Name		48 - First Name		49 - Middle Initial	48 - Suffix	Date Of Birth
	46 - Company Name DODGE COUNTY HIGHWAY DEPARTMENT						
	47 - Address Street & Number 211 E CENTER STREET				47 - PO Box		
	48 - City JUNEAU		48 - State WI	48 - Zip Code 83039		49 - Telephone Number (920) 388-3589 Ext.	

Insurance

INS 01	63 - Liability Insurance Company GOVERNMENT		60 <input checked="" type="checkbox"/> Policy Holder Same As Owner	
	61 - Policy Holder Last Name		61 - Policy Holder First Name	
	61 - Policy Holder Company DODGE COUNTY HIGHWAY DEPARTMENT			

School Bus

BUS 01	Bus Travelling to/from <input type="radio"/> To <input type="radio"/> From		School Name	Body Make	Seating Capacity
	School District Contracted With				

Operator/Pedestrian

02	Unit Status		81 - Most Harmful Event: Collision With Motor Vehicle In Transport		23 - Dir Of Travel NORTH	24 - Speed Limit 65
	36 - Operating as Classified D CLASS		37 - Endorsements		35 <input type="checkbox"/> Operating Commercial Motor Vehicle	
	28 - Driver's License Number S4301014488503		30 - State WI	31 - Expiration Year 2019	34 - On Duty Accident	
	25 - Operator/Pedestrian Last Name SCHULTE		26 - First Name CAROLE		25 - Middle Initial A	25 - Suffix
	32 - Date Of Birth 12/28/1944		33 - Sex Female			
	26 - Address Street & Number 426 JEWEL ST				26 - PO Box	
	27 - City JUNEAU		27 - State WI	27 - Zip Code 83039	28 - Telephone Number (920) 388-2963 Ext.	

OPERATOR/PEDESTRIAN

39 - Seat Position Front-Seat-Left-Side-(MC/Bike Driver, Train Conductor)		40 - Safety Equipment Shoulder-Belt-And-Lap-Belt-Used	
38 - Injury Severity N - No Apparent Injury	41 - Airbag Non-Deployed	42 - Ejected Not-Ejected	44 <input type="checkbox"/> Medical Transport
43 - Trapped/Extricated Not-Trapped	92 - Pedestrian Location	92 - Pedestrian Action	
119 - What Driver Was Doing GOING STRAIGHT		120 - Traffic Control No-Control	62 - No. of Citations Issued 0
64 - 1st Statute No.	64 - 2nd Statute No.	64 - 3rd Statute No.	64 - 4th Statute No.
64 - 5th Statute No.			
122 - Driver Factors Not-Applicable			
88 - Driver or Pedestrian Cond Appeared Normal		89 - Substance Presence Neither-Alcohol-Nor-Drugs-Present	
80 - Alcohol Test Test Not Given		80 - Alcohol Content	81 - Drug Test Test Not Given
81 - Drugs Reported			
124 - Highway Factors Snow,-Ice,-or-Wet			

Vehicle

VEHICLE 02	21 - Unit Type Automobile		Vehicle Type Passenger-Car		22 - Total Occupants 2
	68 - License Plate Number 350GVP		57 - Plate Type AUT	58 - State WI	59 - Exp Year 2017
	55 - Vehicle Identification Number 1G1125S35EU100171				
	60 - Year 2014	61 - Make CHEV	62 - Model IMPALA LT	63 - Body Style 4D - 4DR	64 - Color BLK
	100 - Skidmarks to Impact (Ft)				
	84 - Vehicle Damage Front, Front Passenger Side				
96 - Extent Of Damage Minor		88 <input type="checkbox"/> Vehicle Towed Due To Damage		87 - Vehicle Removed By OPERATOR	
123 - Vehicle Factors Not-Applicable					

Vehicle Owner

VEH OWNER 02	45 <input type="checkbox"/> Vehicle Owner Same As Operator					
	46 - Vehicle Owner Last Name SCHULTE		46 - First Name THOMAS	46 - Middle Initial J	46 - Suffix	Date Of Birth 03/01/1941
	46 - Company Name					
	47 - Address Street & Number 426 JEWEL ST			47 - PO Box		
	48 - City JUNEAU		48 - State WI	48 - Zip Code 63039	49 - Telephone Number (920) 368-2963 Ext.	

Insurance

02	63 - Liability Insurance Company AMERICAN-FAMILY		60 <input checked="" type="checkbox"/> Policy Holder Same As Owner
	61 - Policy Holder Last Name SCHULTE		61 - Policy Holder First Name THOMAS
	61 - Policy Holder Company		

INS

School Bus

BUS 02	Bus Travelling to/from <input type="radio"/> To <input type="radio"/> From	School Name	Body Make	Seating Capacity
	School District Contracted With			

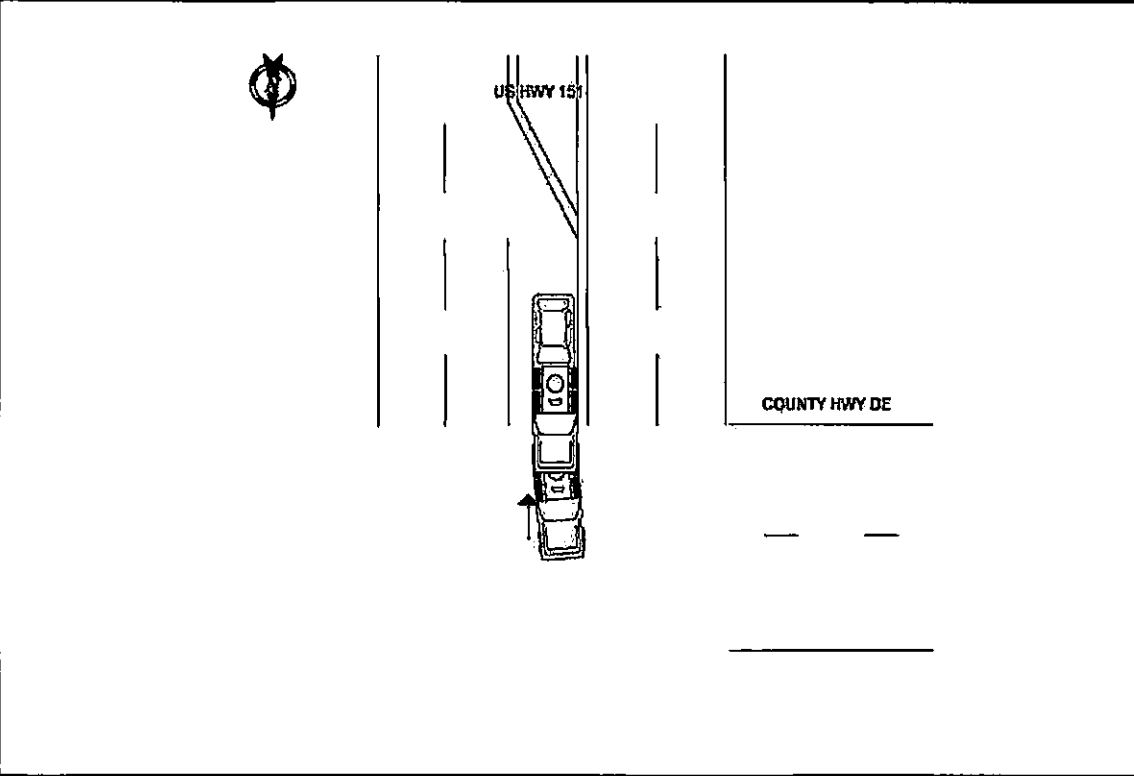
Occupant

OCCUPANT 01	<input type="checkbox"/> Address Same As Operator				
	85 - Unit No 02	66 - Occupant Last Name VESSEY	66 - First Name NICOLE	66 - Middle Initial SUSAN	66 - Suffix
	68 - Address Street & Number N7289 BEAVER BAY DR		68 - PO Box		
	68 - City BEAVER DAM		68 - State WI	68 - Zip Code 53916	
	67 - Date of Birth 01/31/1972		69 - Sex F		
	71 - Seat Position Front-Seat-Right-Side-(Train Engineer)		72 - Safety Equipment Shoulder-Belt-And-Lap-Belt-Used		
	70 - Injury Severity N - No Apparent Injury		73 - Airbag Non-Deployed	75 - Ejected Not-Ejected	77 <input type="checkbox"/> Medical Transport
76 - Trapped/Extricated Not-Trapped		78 - Agency Space			

Trailer

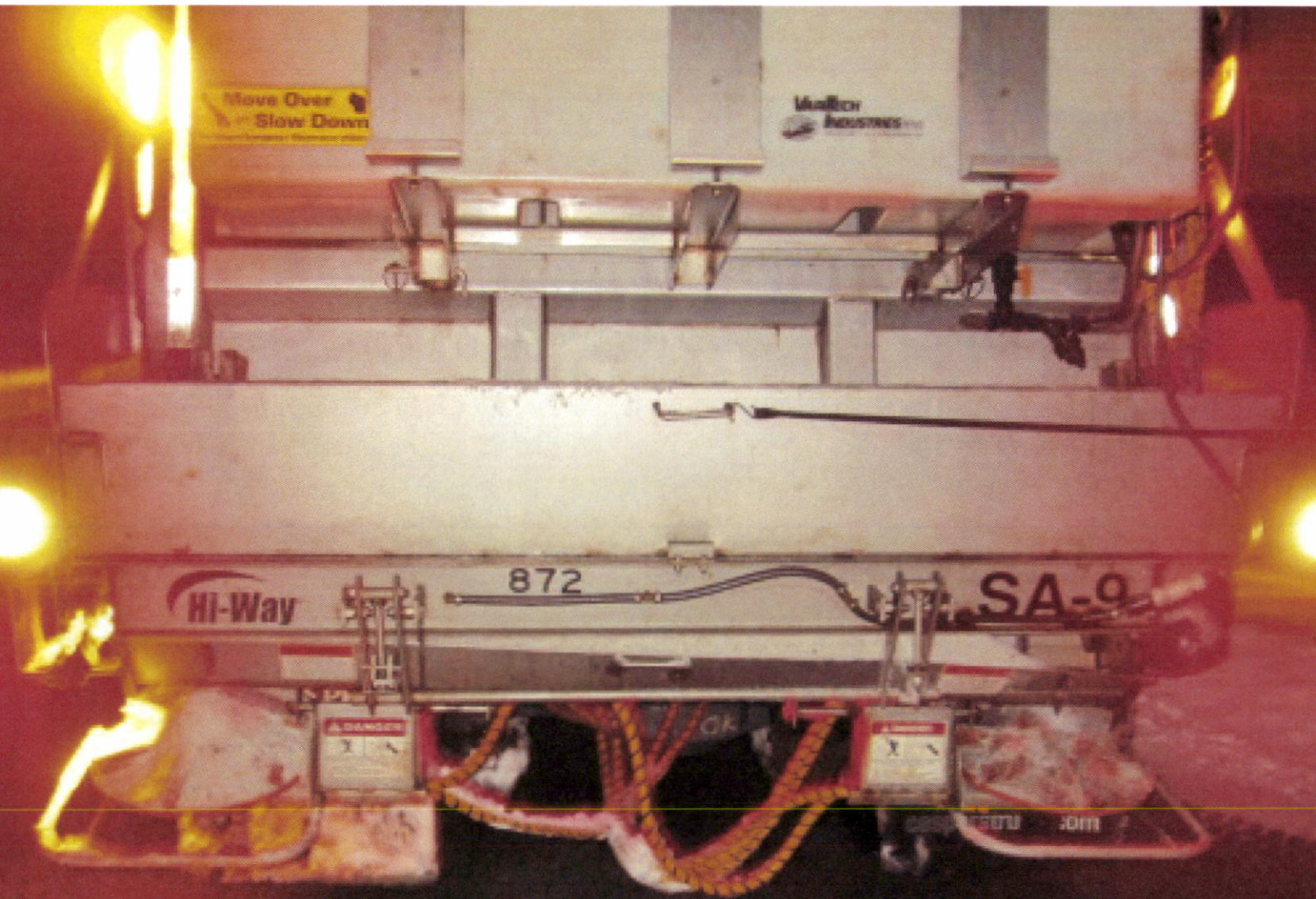
TRL 01	108 - Power Unit Number	License Plate Number	Plate Type	State	Expiration Year
	Trailer Make		Unit Type	Vehicle Identification Number	

Diagram and Narrative

DIAGRAM AND NARRATIVE	105 - Photos By
	 <p>UNIT 1 WAS ID'D AS A CLASS A PLOW TRUCK REMOVING SNOW FROM THE INTERSECTION / CROSSOVER OF US HWY 151 / COUNTY HWY DE. UNIT 1 WAS IN THE PROCESS OF CLEARING SNOW FROM THE INTERSECTION AND ALSO IN THE PROCESS OF PERFORMING A BACKING MANEUVER. UNIT 2 WAS TRAVELING N/B ON US HWY 151 AND ALSO GOING TO BE ATTEMPTING TO NEGOTIATE A LEFT HAND TURN ONTO COUNTY HWY DE. UNIT 1 BACKED INTO UNIT 2 CAUSING MINOR DAMAGE TO THE HOOD AND FRONT PASSENGER SIDE OF THE VEHICLE.</p>

Officer Information

OFFICER INFORMATION	125 - Officer Last Name PANSIER		125 - First Name WILLIAM	125 - Middle Initial	131 - Officer ID 210
	129 - Law Enforcement Agency No.		130 - Law Enforcement Agency Name DODGE COUNTY SHERIFFS OFFICE		
	126 - Law Enforcement Agency Address Street & Number 124 WEST STREET				
	127 - City JUNEAU		127 - State WI	127 - Zip Code 53039	128 - Telephone Number (820) 388-3728 Ext.
	132 - Date Notified 12/11/2016	133 - Time Notified (Military Time) 1837	134 - Time Arrived (Military Time) 1859		135 - Date Of Report 12/11/2016
	2016-00031521		19 - Special Study		
	18 - Agency Space				



12/11/2016 18:45



12/11/2016 18:44



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

PEGGY A. LAUTENSCHLAGER
ATTORNEY GENERAL

Daniel P. Bach
Deputy Attorney General

114 East, State Capitol
P.O. Box 7857
Madison, WI 53707-7857

August 24, 2005

John Muench
Corporation Counsel of Barron County
Barron County Courthouse, Room 207
330 East La Salle Avenue
Barron, WI 54812

Dear Mr. Muench:

You have asked a number of questions which center around the issue of whether county home rule powers enable a county board to transfer supervision of the corporation counsel from the county administrator to a committee of the board. For the reasons that follow, I believe that supervision of the corporation counsel must be by the county administrator.

The key statutes are these:

59.03 Home rule (1) Every county may exercise any organizational or administrative power, subject only to the constitution and to any enactment of the legislature which is of statewide concern and which uniformly affects every county.

59.03(2) (f) The powers conferred by this subsection shall be in addition to all other grants of power and shall be limited only by express language.

59.04 Construction of powers. To give counties the largest measure of self-government under the administrative home rule authority granted to counties in s. 59.03 (1), this chapter shall be liberally construed in favor of the rights, powers and privileges of counties to exercise any organizational or administrative power.

59.18 County administrator. (1) Appointment. Counties having a population of less than 500,000 may by resolution of the board or by petition and referendum create the office of county administrator. The county administrator shall be appointed by majority vote of the board.

59.18 (2) Duties and powers. The county administrator shall be the chief administrative officer of the county. The county administrator shall take care that every county ordinance and state or federal law is observed, enforced and administered within his or her county if the ordinance or law is subject to enforcement by the county administrator or any other person supervised by the county administrator. The duties and powers of the county administrator shall be, without limitation because of enumeration, to:

(a) Coordinate and direct all administrative and management functions of the county government not otherwise vested by law in boards or commissions, or in other elected officers.

(b) Appoint and supervise the heads of all departments of the county except those elected by the people and except where the statutes provide that the appointment shall be made by elected officers; but the county administrator shall also appoint and supervise all department heads where the law provides that the appointment shall be made by a board or commission, by the chairperson of the county board or by the county board.

59.42 Corporation counsel. (1) Corporation counsel; certain counties. (a) Except as provided under par. (b), in counties not having a population of 500,000 or more, the board may employ a corporation counsel, and fix the salary of the corporation counsel. The corporation counsel appointed under this paragraph may be terminated at any time by a majority vote of all the members of the board.

(b) In any county with a county executive or county administrator, the county executive or county administrator shall have the authority to appoint and supervise the corporation counsel if the board authorizes the establishment of the office of corporation counsel. Such appointment shall be subject to confirmation by the board unless the board, by ordinance, elects to waive confirmation or unless the appointment is made under a civil service system competitive examination procedure established under s. 59.52 (8) or ch. 63. The corporation counsel may be removed by the county executive or county administrator with the concurrence of the board unless the corporation counsel is appointed under such an examination procedure.

59.51 Board powers. (1) Organizational or administrative powers. The board of each county shall have the authority to exercise any organizational or administrative power, subject only to the constitution and any enactment of the legislature which grants the organizational or administrative power to a county executive or county administrator or to a person supervised by a county executive or county administrator or any enactment which is of statewide concern and which uniformly affects every county. Any organizational or administrative power conferred under this subchapter shall be in addition to all other grants. A county board may exercise any organizational or administrative power under this subchapter without limitation because of enumeration, and these powers shall be broadly and liberally construed and limited only by express language.

You correctly note that a county's home rule powers extend to "any organizational or administrative power." Sec. 59.03(1). The policy is to give counties the largest measure of self-government and to liberally construe them in favor of that power. See § 59.04. These powers "shall be limited only by express language." Sec. 59.03(2)(f). They also are subject to "any enactment of the legislature which is of statewide concern and which uniformly affects every county." Sec. 59.03(1).

In the case of counties choosing to have a county administrator, I believe the Legislature has placed the supervision of the corporation counsel in the county administrator by express language and enactments which are of statewide concern and which uniformly affects every county. First, § 59.42(1)(b) expressly provides that the "county administrator shall have the authority to appoint and supervise the corporation counsel." This authority is consistent with the provisions making the county administrator the head of all departments generally, even as to those whom the county board appoints. See § 59.18(2)(b). Second, the board's power over "organizational or administrative" matters is subject to "any enactment of the legislature which grants the organizational or administrative power to a . . . county administrator . . . or any enactment which is of statewide concern and which uniformly affects every county." Sec. 59.51(1). I emphasize the word "or" in the last statute because it shows that the delegation to the county administrator applies apart from the tests of enactments of statewide concern and uniformity in all counties. I believe the combined effect of these statutes is that these enactments as to the county administrator's supervision over corporation counsel are matters of statewide concern that affect all counties uniformly. I note that one of my predecessors concluded, based on statutes that are less specific than these, that in counties which have a county executive only the county executive could supervise the corporation counsel. See 72 Op. Att'y Gen. 161, 165 (1983).

I have examined a couple of court cases to see whether they shed light on this issue. First, in *Harbick v. Marinette County*, 138 Wis. 2d 172, 405 N.W.2d 724 (Ct. App. 1987), a county board transferred certain bookkeeping activities from the county clerk, a constitutional office, to the county auditor. The court upheld the county board's power to transfer these responsibilities. It cited Wis. Stat. § 59.17(8), which provided that the county clerk was to keep the accounts of the county and all books of account "as the county board directs." 138 Wis. 2d at 176. In addition, Wis. Stat. § 59.72(1) provided that the county clerk "shall act as auditor, unless a separate office of county auditor is created." *Id.* at 177-78. The court cited Wis. Stat. § 59.026, which requires a liberal construction in favor of the rights, powers and privileges of counties "to exercise any organizational or administrative power." *Id.* at 176. It said that the county's power under § 59.17(8) "must be broadly interpreted when a county is exercising its organizational and administrative powers." *Id.* Determining which official would perform the account keeping duties was an organizational and administrative task. *Id.* at 179. Here, there is nothing comparable to establishing duties "as the county board directs" or an express exception as to the clerk's duties which the county board was empowered to make. To the contrary, the statutory scheme here admits of no qualification to the provisions that vest supervision in the administrator rather than the board or a committee of the board.

I have also reviewed *Mommsen v. Schueller*, 228 Wis. 2d 627, 599 N.W.2d 21 (Ct. App. 1999). The court held that a county could regulate highway access even though it had not complied with certain prerequisites under Wis. Stat. § 83.027(1) for regulating it as part of a controlled highway access program. The court found other statutory enabling power for regulating highway access. Wis. Stat. § 59.03(2)(a) vested counties with powers of a local

nature including "the subject matter . . . of highways." Further, Wis. Stat. § 86.07(2) subjected highway changes to a permit process and also provided that nothing therein would abridge the right of the county "to make such additional rules, regulations and conditions not inconsistent" with the statute and "as may be deemed necessary and proper for the preservation of highways, or for the safety of the public." 228 Wis. 2d at 635-36. Since there was such other authority, the court concluded that the Legislature did not intend for the procedures under § 83.027(1) to be exclusive. *Id.* at 638-39. Here, by contrast, there is no other authority than the express provisions vesting supervision in the administrator.

Mommson also set forth the four factors for determining whether a county may invoke home rule powers to supersede a statutory provision. They are:

- (1) whether the legislature has expressly withdrawn the power of municipalities to act;
- (2) whether the ordinance logically conflicts with the state legislation;
- (3) whether the ordinance defeats the purpose of the state legislation; or
- (4) whether the ordinance goes against the spirit of the state legislation.

228 Wis. 2d at 636. Applying these tests here, §§ 59.42(1)(b) and 59.51(1) expressly grant supervision to the administrator. Any ordinance to the contrary would flatly conflict with this legislation and would defeat its purpose and its spirit as so clearly expressed.

You also ask whether the county board through its rules and procedures may require that appointment and removal of the county administrator be by a majority vote of all members, or must the appointment and removal be by simple majority of those voting and present. I believe the answer for appointments is not the same as for removals.

As to appointments, Wis. Stat. § 59.18(2) provides that "[t]he county administrator shall be appointed by majority vote of the board." Wis. Stat. § 59.02(3) provides that "[a]ll questions shall be determined by a majority of the supervisors who are present unless otherwise provided." I find no other provision; therefore, the board may appoint a county administrator by a majority of those who are present.

As to removals, however, the Legislature did provide a separate rule in Wis. Stat. § 17.10(2). It states that, in the case of county officers appointed by the board, removals "may be made by an affirmative vote of two-thirds of the supervisors entitled to seats on the county board." The administrator is a county officer inasmuch as the office and its duties are a part of subchapter IV of chapter 59, which is entitled "County Officers."

John Muench
Page 5

The question becomes whether § 17.10(2) sets a minimum majority, *i.e.* whether county boards may remove county officers by less than two-thirds of the elected body. This question is not answered by § 59.18(7), which provides that the board "may remove the county administrator at any time that the county administrator's conduct of the county administration becomes unsatisfactory." That statute does not speak to the size of the majority; it only acknowledges the board's power to remove if performance is unsatisfactory.

I believe § 17.10(2) sets a two-thirds vote as a minimum. There simply would be no purpose in passing this statute if the general rule of a simple majority was intended to control. This statute also is one of statewide concern that applies uniformly to all counties.

In conclusion, only the county administrator may supervise the corporation counsel. The board may appoint a county administrator by a majority of those present. But it may remove a county administrator only by two thirds of the elected body.

Very truly yours,



Peggy A. Lautenschlager
Attorney General

PAL:CDH:kh

County of Dodge

Office of Corporation Counsel

127 E. Oak Street

Fourth Floor, Administration Bldg.

Juneau, WI 53039-1329

Fax (920) 386-3596

John F. Corey

Corporation Counsel

(920) 386-3592

December 12, 2016

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Kathilynne A. Grotelueschen

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Secretary to Corporation Counsel

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Karen S. Schultz

Administrative Assistant

(920) 386-3964

Rachel E. Davison

Legal Secretary I

(920) 386-3591

Amy B. Nehls, Director

Dodge County Office of Emergency Management

Law Enforcement Center

124 West Street

Juneau, WI 53039

RE: Your Questions Regarding Requirements, if any, to Solicit Bids for Purchase of New Radio Equipment and Purchase of Personal, Professional Services to Install and Optimize the New Radio Equipment

Dear Ms. Nehls:

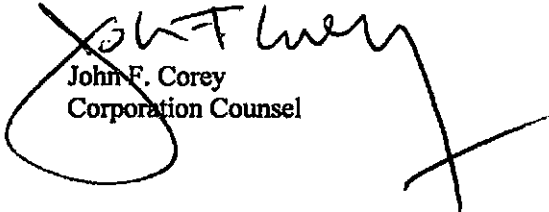
We communicated by email on November 29, 2016 and December 6, 2016 about the proposed 2017 upgrade of two channels in the Dodge County radio communications infrastructure to simulcast (You described the project as a "... Phase 5 upgrade project"), and stated that there are three components to the project: purchase of radio equipment; purchase of personal, professional services to install the radio equipment; and purchase of personal, professional services to optimize the radio equipment. You explained that the radio equipment for DOHWY1 will be installed in equipment racks located inside radio equipment buildings located at 5 tower sites, and the radio equipment for DOEMS will be installed in equipment racks located inside radio equipment buildings at 9 tower sites. You also told me that the installation of the radio equipment will not be permanent, but, rather, will be for an estimated period of time of 15 to 20 years, which is the expected useful life of the radio equipment.

You asked me to give you my opinion as to whether or not Dodge County will be required to solicit bids for the purchase of the radio equipment and/or the purchase of personal, professional services to install the radio equipment, and/or the purchase of personal, professional services to optimize the radio equipment.

Please be advised that it is my considered opinion, based on your description of the Phase 5 upgrade project, and based on the Wisconsin Court of Appeals decision in the case of *Joyce v. Dunn County*, 192 Wis. 2d 699 (Ct App. 1995), that there is no legal requirement that Dodge County solicit bids for the purchase of the radio equipment, or for the purchase of personal, professional services for the installation of the radio equipment, or for the purchase of personal, professional services for the optimization of the radio equipment.

If you have any questions, or if I can otherwise be of service to you, please contact me.

Sincerely,


John F. Corey
Corporation Counsel

KAG

cc:

✓ James E. Mielke
Dodge County Administrator
127 E. Oak Street
Juneau, WI 53039-1329

Joseph M. Meagher, Deputy Director
Dodge County Office of Emergency Management
Law Enforcement Center
124 West Street
Juneau, WI 53039

RESOLUTION NO. _____

TO THE HONORABLE BOARD OF SUPERVISORS OF DODGE COUNTY, WISCONSIN MEMBERS,

WHEREAS, the Dodge County Executive Committee has considered the radio communications equipment needs of Dodge County and has determined that it is necessary to undertake and complete Phase IV of the Simulcast Expansion of the existing Dodge County law enforcement radio communications channels (Simulcast Phase IV project); and,

WHEREAS, upon completion of the Simulcast Phase IV project, all radio communications messages on the existing Dodge County radio communications channel, known as DOEM 5, will be broadcast simultaneously from all nine of the Dodge County Central Communications tower sites, and all radio communications messages on the existing Dodge County radio communications channel, known as DOHWY 1, will be broadcast simultaneously from five of the Dodge County Central Communications tower sites; and,

WHEREAS, the Simulcast Phase IV project will consist of the purchase of new radio communications equipment and the installation and optimization of performance of that radio communications equipment at the following Dodge County Central Communications tower sites: Juneau Highway Shop Tower; St. Helena Tower; Mayville Water Tower; Knowles Tower; Rubicon Tower; Ashippun Tower; Reeseville Water Tower; Beaver Dam Fire Department Tower; and, Fox Lake Tower; and,

WHEREAS, the Dodge County Emergency Management Department has solicited and received a price quotation for the Simulcast Phase IV project, for the purchase of new radio communications equipment and professional services to install it and to optimize its performance, from Communications Service Wisconsin LLC of Portage, Wisconsin, in the amount of \$322,285, a copy of which price quotation is on file in the Office of the Dodge County Clerk and may be viewed there during normal business hours; and,

WHEREAS, monies sufficient to purchase the new radio communications equipment, and professional services to install it and optimize its performance, are included in the 2017 Budget for the Department of Emergency Management, and are available in Business Unit 2801, Central Communications, Account No. .5819, Other Capital Equipment; and,

WHEREAS, the Executive Committee recommends that the Dodge County Board of Supervisors:

1. Authorize and direct the Executive Committee to proceed forthwith to take all actions necessary to undertake and complete the Simulcast Phase IV project;
2. Approve and accept the price quotation for the Simulcast Phase IV project, for the purchase of new radio communications equipment and professional services to install it and to optimize its performance, from Communications Service Wisconsin LLC of Portage, Wisconsin, in the amount of \$322,285;

SO, NOW, THEREFORE, BE IT RESOLVED, that the Dodge County Board of Supervisors hereby:

1. Authorizes and directs the Executive Committee to proceed forthwith to take all actions necessary to undertake and complete the Simulcast Phase IV project;
2. Approves and accepts the price quotation for the Simulcast Phase IV project, for the purchase of new radio communications equipment and professional services to install it and to optimize its performance, from Communications Service Wisconsin LLC of Portage, Wisconsin, in the amount of \$322,285;

BE IT FINALLY RESOLVED, that upon presentation to the Dodge County Clerk of invoices properly approved by the Director of the Emergency Management Department in a total amount not to exceed \$322,285, representing the costs of the purchase of new radio communications equipment and professional services to install it and to optimize its performance, for the Simulcast Phase IV project, from Communications Service Wisconsin LLC, the County Clerk is authorized to issue orders upon the Dodge County Treasurer for payment of such invoices and that funds for payment of such invoices shall be taken from Business Unit 2801, Central Communications, Account No. .5819, Other Capital Equipment.

All of which is respectfully submitted this 22nd day of February, 2017.

Dodge County Executive Committee:

Russell Kottke

Dennis Schmidt

Donna Maly

Joseph M. Marsik

MaryAnn Miller

Jeff Berres

David Frohling

FISCAL NOTE:

Is the referenced expenditure included in the adopted 2017 Budget? **YES.**

Fiscal Impact on the adopted 2017 Budget: **\$0.00**

Fiscal Impact reviewed by the Dodge County Finance Committee on **February 14, 2017.**

David Frohling, Chairman
Dodge County Finance Committee

**MOTOROLA SOLUTIONS**

Radio Solutions Channel Partner

**Communications Service Wisconsin LLC****QUOTATION**

305 East Albert Street

Portage, WI 53901

phone: (608) 745-3300 fax: (608) 445-0300

Prepared for: Dodge County

Attn: Amy Nehls/Joe Meagher

Address: 124 West Street

Juneau WI 53039

Phone: 920-388-3993

Fax 920-388-3994

Qty.	Item ID	Description	Unit Price	Total
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Analog Simulcast Upgrade for the Dodge County EM5 and Highway Channels

Add IP voted receive for the EM5 Channel and Highway Channel at nine (9) sites. Add IP simulcast transmit at nine (9) sites on the EM5 channel and five (5) sites on the Highway Channel (St. Helena, Fox Lake, Knowles, Ashippun and Reeseville). Includes integration into the voting display system at dispatch. Adds a second transmit antenna at Beaver Dam, Fox Lake, Knowles, Reeseville and Rubicon. Add TXRX filtering for Highway at Fox Lake, Knowles, Ashippun and Reeseville. FCC licensing to be completed by Dodge County. Turn-key installed and optimized by Communications Service

1	1	Analog Simulcast Upgrade for the EM5 and Highway Channels Equipment and Services to be purchased directly from Communications Service Wisconsin LLC	\$142,685.00	\$142,685.00
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1	1	Analog Simulcast Upgrade for the EM5 and Highway Channels Equipment Purchased from Motorola on the Wisconsin Counties Association (WCA) State Contract Purchase order directly to Motorola Solutions Inc. Payment is due in full 30 days after shipment of equipment to Communications Service. Pricing at the WCA state contract price as of June 14, 2016. Price subject to change if WCA state contract pricing changes prior to purchase.	\$179,600.00	\$179,600.00
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Item Total:	\$322,285.00
Shipping:	included
Sub Total:	\$322,285.00
Tax:	exempt

Price quoted is for payment by check or ACH bank transfer

Quote valid until January 30, 2017**Total: \$322,285.00**

Quoted by: Steve

Date: 22-Jun-2016

Accepted by: _____

Date: _____

BID ITEM SCHEDULE

Simulcast For the EM5 and Highway Channels

ITEM	QUANTITY	DESCRIPTION	MANUFACTURER	MODEL	UNIT PRICE	EXTENDED PRICE
2000		PROJECT AS A WHOLE				
2001	1	Voting Comparator	Motorola- WCA	MLC8000	\$3,360.00	\$3,360.00
2002	1	Voting Display	Motorola/MCN	Two Licenses	\$1,820.00	\$1,820.00
2003	1	Installation and Optimization	CSW	All items above	\$5,720.00	\$5,720.00
2004	1	Simulcast Optimization	CSW	CSW	\$4,160.00	\$4,160.00
SUBTOTAL						\$15,060.00
2100		HIGHWAY SHOP - JUNEAU				
2101	1	GTR8000 Base Station	Motorola- WCA	GTR8000	\$9,880.00	\$9,880.00
2102	1	Simulcast Timing Equipment	Motorola- WCA	MLC8000	\$3,360.00	\$3,360.00
2103	1	Equipment Grounding	Various	Various	\$67.00	\$67.00
2104	1	Installation and Optimization	CSW	All items above	\$4,850.00	\$4,850.00
SUBTOTAL						\$18,157.00
2200		SAINT HELENA				
2201	1	GTR8000 Base Station	Motorola- WCA	GTR8000	\$19,760.00	\$19,760.00
2202	1	Simulcast Timing Equipment	Motorola- WCA	MLC8000	\$3,360.00	\$3,360.00
2203	1	Ethernet Switch Expansion	Motorola- WCA	HP3800-48	\$7,680.00	\$7,680.00
2204	1	GPS Reference Expansion	Spectracom	SecureSync	\$1,463.00	\$1,463.00
2205	1	Equipment Grounding	Various	Various	\$67.00	\$67.00
2206	1	Installation and Optimization	CSW	All items above	\$6,840.00	\$6,840.00
SUBTOTAL						\$39,170.00
2300		MAYVILLE				
2301	1	GTR8000 Base Station	Motorola- WCA	GTR8000	\$9,880.00	\$9,880.00
2302	1	Simulcast Timing Equipment	Motorola- WCA	MLC8000	\$3,360.00	\$3,360.00
2303	1	Equipment Grounding	Various	Various	\$67.00	\$67.00
2304	1	Alarm System Integration	MOXA	E2210	\$585.00	\$585.00
2305	1	Installation and Optimization	CSW	All items above	\$5,490.00	\$5,490.00
SUBTOTAL						\$19,382.00

ITEM	QUANTITY	DESCRIPTION	MANUFACTURER	MODEL	UNIT PRICE	EXTENDED PRICE
2400		KNOWLES				
2401	1	GTR8000 Base Station	Motorola- WCA	GTR8000	\$19,760.00	\$19,760.00
2402	1	Simulcast Timing Equipment	Motorola- WCA	MLC8000	\$3,360.00	\$3,360.00
2403	1	Add Highway to TXRX Filters	TXRX	TXRX	\$5,464.00	\$5,464.00
2404	1	Equipment Grounding	Various	Various	\$67.00	\$67.00
2405	1	Additional Transmit Antenna	Comprod	874F-70-SM-1/4	\$9,013.00	\$9,013.00
2406	1	Installation and Optimization	CSW	All items above	\$8,610.00	\$8,610.00
SUBTOTAL						\$46,274.00
2500		RUBICON				
2501	1	GTR8000 Base Station	Motorola- WCA	GTR8000	\$9,880.00	\$9,880.00
2502	1	Simulcast Timing Equipment	Motorola- WCA	MLC8000	\$3,360.00	\$3,360.00
2503	1	Equipment Grounding	Various	Various	\$67.00	\$67.00
2504	1	Alarm System Integration	MOXA	E2210	\$585.00	\$585.00
2505	1	Additional Transmit Antenna	Comprod	874F-70-SM-1/4	\$9,013.00	\$9,013.00
2506	1	Installation and Optimization	CSW	All items above	\$6,090.00	\$6,090.00
SUBTOTAL						\$28,995.00
2600		ASHIPPUN				
2601	1	GTR8000 Base Station	Motorola- WCA	GTR8000	\$19,760.00	\$19,760.00
2602	1	Simulcast Timing Equipment	Motorola- WCA	MLC8000	\$3,360.00	\$3,360.00
2603	1	Add Highway to TXRX Filters	TXRX	TXRX	\$5,464.00	\$5,464.00
2604	1	Equipment Grounding	Various	Various	\$67.00	\$67.00
2605	1	Alarm System Integration	MOXA	E2210	\$50.00	\$50.00
2606	1	Installation and Optimization	CSW	All items above	\$8,010.00	\$8,010.00
SUBTOTAL						\$36,711.00
2700		REESEVILLE				
2701	1	GTR8000 Base Station	Motorola- WCA	GTR8000	\$19,760.00	\$19,760.00
2702	1	Simulcast Timing Equipment	Motorola- WCA	MLC8000	\$3,360.00	\$3,360.00
2703	1	Add Highway to TXRX Filters	TXRX	TXRX	\$5,464.00	\$5,464.00
2704	1	Equipment Grounding	Various	Various	\$67.00	\$67.00
2705	1	Alarm System Integration	MOXA	E2210	\$585.00	\$585.00
2706	1	Additional Transmit Antenna	Comprod	874F-70-SM-1/4	\$8,377.00	\$8,377.00
2707	1	Installation and Optimization	CSW	All items above	\$9,250.00	\$9,250.00
SUBTOTAL						\$46,863.00

ITEM	QUANTITY	DESCRIPTION	MANUFACTURER	MODEL	UNIT PRICE	EXTENDED PRICE
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2800 BEAVER DAM

2801	1	GTR8000 Base Station	Motorola- WCA	GTR8000	\$9,880.00	\$9,880.00
2802	1	Simulcast Timing Equipment	Motorola- WCA	MLC8000	\$3,360.00	\$3,360.00
2803	1	Equipment Grounding	Various	Various	\$67.00	\$67.00
2804	1	Alarm System Integration	MOXA	E2210	\$50.00	\$50.00
2805	1	Additional Transmit Antenna	Comprod	874F-70-SM-1/4	\$8,362.00	\$8,362.00
2806	1	Installation and Optimization	CSW	All items above	\$5,450.00	\$5,450.00
SUBTOTAL						\$27,169.00

2900 FOX LAKE

2901	1	GTR8000 Base Station	Motorola- WCA	GTR8000	\$19,760.00	\$19,760.00
2902	1	Simulcast Timing Equipment	Motorola- WCA	MLC8000	\$3,360.00	\$3,360.00
2903	1	Add Highway to TXRX Filters	TXRX	TXRX	\$5,464.00	\$5,464.00
2904	1	Equipment Grounding	Various	Various	\$67.00	\$67.00
2905	1	Additional Transmit Antenna	Comprod	874F-70-SM-1/4	\$7,243.00	\$7,243.00
2906	1	Installation and Optimization	CSW	All items above	\$8,610.00	\$8,610.00
SUBTOTAL						\$44,504.00

GRAND TOTAL PROJECT	\$322,285.00
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COMPANY	Communications Service Wisconsin LLC
ADDRESS	305 East Albert Street
CITY	Portage
STATE	Wisconsin
ZIP CODE	53901
TELEPHONE	608-745-3300
NAME	Steven Dubberstein
TITLE	Engineer and General Manager
DATE	15-Jun-16

RESOLUTION NO. _____

TO THE HONORABLE BOARD OF SUPERVISORS OF DODGE COUNTY, WISCONSIN MEMBERS,

WHEREAS, the Jefferson County Economic Development Consortium (hereinafter the "JCEDC") was formed in 2003 and consists of the following member communities: Jefferson County, Cambridge, Fort Atkinson, Jefferson, Johnson Creek, Lake Mills, Waterloo, Watertown, and Whitewater; and,

WHEREAS, the JCEDC serves as the lead economic development organization in the Jefferson County area and was formed to achieve the economic development goals of the area; and,

WHEREAS, the JCEDC has created a new public-private nonprofit organization, Glacial Heritage Development Partnership (hereinafter "GHDP"), to lead and coordinate the area's strategic efforts in economic development; and,

WHEREAS, GHDP will contract with the JCEDC for staff to manage implementation of GHDP's 5-year plan, the 2017-2022 Strategic Plan, throughout the region; and,

WHEREAS, the 2017-2022 Strategic Plan has four distinct areas of focus:

1. Business: Grow Businesses, Capital Investment and Employment Opportunities;
2. Workforce: Attract, Develop, and Align Talent;
3. Build Capacity: Grow the GHDP's capacity to execute professional economic development programs and services;
4. Marketing: Raise awareness of the area's assets to attract business investment, talent, and visitors with discretionary dollars.

In order to implement these goals GHDP intends to secure funding via a capital campaign; and,

WHEREAS, the Executive Committee of the Dodge County Board of Supervisors believes it would be beneficial for the Dodge County Board of Supervisors to take additional action to promote economic development throughout Dodge County; and,

WHEREAS, the Executive Committee, the JCEDC, and GHDP, recognize the benefits of taking a regional approach to economic development; and

WHEREAS, GHDP is willing to provide economic development services and expand the scope of the 2017-2022 Strategic Plan to include Dodge County; and

WHEREAS, the Executive Committee believes that entering into a Partnership Agreement with the JCEDC and GHDP will supplement the County's existing work on economic development; and,

WHEREAS, the Executive Committee recommends that Dodge County enter into a Partnership Agreement with the JCEDC and GHDP to promote economic development in the Jefferson and Dodge County region; and

WHEREAS, a copy of a proposed *Partnership Agreement Between Dodge County, the Jefferson County Economic Development Consortium, and Glacial Heritage Development Partnership* has been marked for identification as Exhibit "A", and has been attached hereto; and,

WHEREAS, the Executive Committee recommends to the Dodge County Board of Supervisors that the Dodge County Board of Supervisors:

1. Approve the proposed *Partnership Agreement Between Dodge County, the Jefferson County Economic Development Consortium, and Glacial Heritage Development Partnership*; and,
2. Authorize and direct the Chairman of the Dodge County Board of Supervisors and the Dodge County Clerk to sign, on behalf of Dodge County, the proposed *Partnership Agreement Between Dodge County, the Jefferson County Economic Development Consortium, and Glacial Heritage Development Partnership*.

SO, NOW, THEREFORE, BE IT RESOLVED, that the Dodge County Board of Supervisors hereby:

1. Approves the *Partnership Agreement Between Dodge County, the Jefferson County Economic Development Consortium, and Glacial Heritage Development Partnership*, a copy of which has been marked for identification as Exhibit "A", and has been attached hereto; and,
2. Authorizes and directs the Chairman of the Dodge County Board of Supervisors and the Dodge County Clerk to sign, on behalf of Dodge County, the *Partnership Agreement Between Dodge County, the Jefferson County Economic Development Consortium, and Glacial Heritage Development Partnership*.

All of which is respectfully submitted this 22nd day of February, 2017.

Dodge County Executive Committee:

Russell Kottke

David Frohling

Donna Maly

Jeff Berres

MaryAnn Miller

Joseph Marsik

Dennis Schmidt

4:30 p.m.
11/30/16

11/30/16 Working Draft of proposed:

Partnership Agreement Between Dodge County, the Jefferson County Economic Development Consortium, and Glacial Heritage Development Partnership

THIS AGREEMENT (the "Agreement") is made by and between the Jefferson County Economic Development Consortium (the "JCEDC"), Glacial Heritage Development Partnership ("GHDP"), and Dodge County, Wisconsin (the "County").

WHEREAS, the JCEDC was formed in 2003 and consists of the following member communities: Jefferson County, Cambridge, Fort Atkinson, Jefferson, Johnson Creek, Lake Mills, Waterloo, Watertown, and Whitewater; and,

WHEREAS, the JCEDC serves as the lead economic development organization in the Jefferson County area and was formed to achieve the economic development goals of the area; and,

WHEREAS, the JCEDC has created a new public-private nonprofit organization, GHDP, to lead and coordinate the area's strategic efforts in economic development; and,

WHEREAS, GHDP will contract with the JCEDC for staff to manage implementation of GHDP's 5-year plan, the 2017-2022 Strategic Plan, throughout the region; and,

WHEREAS, the 2017-2022 Strategic Plan has four distinct areas of focus:

1. Business: Grow Businesses, Capital Investment and Employment Opportunities;
2. Workforce: Attract, Develop, and Align Talent;
3. Build Capacity: Grow the GHDP's capacity to execute professional economic development programs and services;
4. Marketing: Raise awareness of the area's assets to attract business investment, talent, and visitors with discretionary dollars.

In order to implement these goals GHDP intends to secure funding via a capital campaign; and,

WHEREAS, the County desires to promote economic development throughout Dodge County; and,

WHEREAS, the County, the JCEDC, and GHDP, recognize the benefits of taking a regional approach to economic development; and,

WHEREAS, GHDP is willing to provide economic development services and expand the scope of the 2017-2022 Strategic Plan to include Dodge County; and,

WHEREAS, entering into this Agreement with the JCEDC and GHDP will supplement the County's existing work on economic development;

NOW, THEREFORE, it is hereby agreed by and between the JCEDC, GHDP, and the County, as follows:

1. Purpose. The parties desire to work together to coordinate and advance economic development throughout the Jefferson and Dodge County region.

2. Effective Date. This Agreement shall become effective on the date of last signature below, but no later than March 31, 2017, and shall continue through December 31, 2021, unless terminated in accordance with the provisions of Section 9 herein.

3. Payment. The County shall pay to the JCEDC a lump sum of \$85,000 annually from 2017 through 2021. The first payment shall be made within thirty (30) days of the effective date of this Agreement, with annual payments to be made on or before _____, each year thereafter. Payment shall be sent to: 864 Collins Road, Jefferson, WI 53549

The funds paid by the County under this Section shall be limited to use by the JCEDC to carry out activities and programming in Dodge County, as directed by GHDP.

4. Obligations of the JCEDC.

A. The JCEDC staff members, under contract with and at the direction of GHDP, shall provide economic development services to all of Dodge County. Services provided shall include, but are not limited to, the following:

- i. Business Retention and Expansion visits. Professional economic development staff will conduct targeted visits with up to 30 of Dodge County's primary employers in year one to ascertain barriers to growth and identify key local assets utilized by employers. Said visits shall assist the JCEDC staff in forming an economic development plan for the work to be completed in Dodge County during years two through five of this Agreement;
- ii. Direct Expansion Assistance. Provide professional, timely and appropriate assistance to businesses considering new capital investments in Dodge County;
- iii. Coordinate with regional entities to provide marketing and outreach that supports new business investments in Dodge County;
- iv. Work with Dodge County Planning and others to compile an asset inventory of sites, buildings, and other resources that are in place to support business growth within Dodge County, and identify gaps that would serve as the basis for future asset development work;
- v. Promote Dodge County's business assets on the GHDP Website and in outreach and marketing materials;
- vi. Assist with the development of marketing materials for business attraction to Dodge County;
- vii. Assist and coordinate with development of a Prospect Identification process designed to identify businesses in targeted industry sectors in Dodge County;
- viii. Work with Dodge County Planning to ensure accurate demographic data, and information on available sites and buildings, are current and that all pertinent data is posted on appropriate websites.

- ix. Talent Attraction. Assist and coordinate in the development and implementation of a marketing strategy designed to attract workers to Dodge County.
 - B. The JCEDC staff, under contract with GHDP, within one (1) year from the execution of this Agreement, shall prepare and present a report to the County and GHDP containing the issues and needs identified in Dodge County and the recommended actions to address those issues and needs.
5. Obligations of GHDP.
- A. GHDP, in its bylaws, shall provide that the County has one permanent seat on the GHDP Board of Directors. The chair of the Dodge County Board of Supervisors shall annually appoint one (1) individual, and one (1) alternate, to fill the seat on the GHDP Board of Directors.
 - B. GHDP shall, within fourteen (14) months of execution of this Agreement, amend its 2017-2022 Strategic Plan to incorporate provisions of the report created by the JCEDC staff under Section 4.B., to address the issues and needs identified, in order to establish a regional approach to economic development.
 - C. GHDP shall work with the Executive Committee of the Dodge County Board of Supervisors and business leaders, on an annual basis, to determine which specific services will be provided to the County and which areas of concern the County desires to focus on, within the framework of services performed by JCEDC.
 - i. This shall be discussed at a regularly scheduled meeting of the Executive Committee, with the first discussion to take place in September 2017.
6. Obligations of the County.
- A. The County shall work cooperatively with GHDP and the JCEDC staff in arranging and coordinating meetings with local businesses and professionals, including finding locations and setting up for the meetings.
 - B. The County shall provide an office space, as an in kind donation, for the JCEDC staff to utilize while providing services in Dodge County.
 - i. The office shall be located in the Land Resources and Parks Department on the 3rd Floor of the Dodge County Administration Building, 127 E. Oak Street, Juneau, WI 53039;
 - ii. The JCEDC staff shall be responsible for having his or her own computer, or other electronic device, and telephone.

7. Reports.

- A. GHDP shall provide semi-annual reports to the Dodge County Administrator, the Chair of the Dodge County Board of Supervisors, and the Dodge County Executive Committee regarding GHDP's activities that period, including aggregate data, and anticipated action for the upcoming period.
 - i. GHDP shall prepare such reports and cause them to be received by County not later than the 5th day of the month that is six (6) months from the date this Agreement is executed; and on a semi-annual basis, thereafter.
 - ii. Reports shall set forth a detailed description of the economic development services that GHDP provided to the County including aggregate reports on existing business visits; on expansion assistance requests; on actions taken to address barriers and opportunities identified, and on progress towards building and then promoting business-related assets.
- B. GHDP shall provide annual written and oral reports to the Dodge County Board of Supervisors each September, commencing September 2017.

8. Independent Contractors. It is mutually agreed and understood that the JCEDC staff members, including those providing specific services to the County, are at all times acting and performing as independent contractors. Nothing in this Agreement shall be construed to create an employer-employee relationship between the JCEDC staff members and the County.

9. Termination. This Agreement may be terminated by either party upon six (6) months written notice to the non-terminating party.

10. Severability. The terms of this Agreement are severable and any determination by any court or agency having jurisdiction over the subject matter of this Agreement that results in the invalidity of any part shall not affect the remainder of the Agreement.

11. Amendments. This Agreement may be revised, modified, or amended only upon written agreement of the Parties. All modifications, amendments, or alterations shall be set forth in writing and made a part of this Agreement by incorporated reference.

12. Governing Law & Forum. This Agreement shall be governed by the laws of the State of Wisconsin. Venue as to any dispute that may arise under this Agreement shall be in the Circuit Court of Dodge County, Wisconsin.

13. Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

14. Entire Agreement. This Agreement constitutes the entire agreement among the parties hereto with respect to the subject matter hereof. Any and all prior and contemporaneous agreements, representations and understandings of the parties with respect to the subject matter of this Agreement, oral or written, are superseded by this Agreement.

15. Assignment. The parties agree that there shall be no assignment or transfer of this Agreement, nor any interests, rights or responsibilities contained herein, except as agreed to in writing.

IN WITNESS WHEREOF, GHDP, the JCEDC, and the County certify that this Agreement has been duly approved by their respective governing bodies in accordance with State and local laws, rules, and regulations, and each has caused their duly authorized officers to execute this Agreement on the dates indicated below.

Glacial Heritage Development Partnership

By: _____
Matt Mauthe
Chair
Glacial Heritage Development Partnership

Date: _____

Jefferson County Economic Development Consortium

By: _____
John David
Chair
Jefferson County Economic Development Consortium

Date: _____

Dodge County, Wisconsin

By: _____
Russell Kottke
Chair
Dodge County Board of Supervisors

Date: _____